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Statement of research training

I, the undersigned, first matriculated as a part-time research student on 1 October 1962 and have since carried out a study of all matters relating to the following thesis under the supervision of Mr. Cedric Thorpe Davie.

Supervisor's certificate

I, the undersigned, hereby declare that CECIL HILL has carried out the work stated above in accordance with Ordinance LXXIX (Saint Andrews number 16) and that he is qualified to submit the accompanying thesis for the degree of Doctor of Philosophy.

Dated.....31st July 1966.....

SIR WILLIAM LEIGHTON

THE TEARS OR LAMENTATIONS OF  
A SORROWFUL SOUL

1614

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Transcribed and edited with an Introduction

by

CECIL HILL

1966

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## CHAPTER I

Preamble

In 1613 Sir William Leighton published a set of poems of his own composition under the title The tears or lamentations of a sorrowful soul. In the following year he published under the same pretentious title musical settings of a large number of these poems, by himself and twenty composers of varying ability. Both publications followed several years of carelessness and misfortune in his financial and business affairs, which eventually led him to a "wofull, large, and long experience of imprisonment, troubles, crosses, sicknes, and afflictions"<sup>1)</sup>. He claimed that he had "past euen the Alphabet of Calamities"; and so, he wrote, "to leuifie my grieffe, I composed these swanlike songs"<sup>2)</sup>.

The occasions on which a number of composers have been brought together to contribute to a collection of pieces under a unifying title-page are sufficiently few to attract attention, not only for their intrinsic interest but for the social circumstances which brought them to life<sup>3)</sup>. Leighton's Tears is a work which merits attention on both counts; yet it does not seem to have received very much attention so far. This is particularly surprising, since the contents of the 1614 collection of music are eminently suitable for liturgical use.

The object of this thesis is to provide a modern and practical edition of the 1614 publication, and to enquire into the circumstances which brought it and its predecessor into being. The writer was aware at the outset that J. F. Bridge and Sydney Beck had edited parts of the collection, that individual items had been published from time to time, and later became aware that Robert Barney Childs had produced an edition of the whole as part of a Doctoral dissertation on English madrigal poetry submitted to Stanford University, U.S.A., in 1957. But none of these did anything more than accept what was generally known about the background to the collection. No effort seems to have been made by anyone to pursue the legal details to substantiate Leighton's claims as to the origin of the work, which must be regarded as an important part of any study of it.

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Editions of early music should have a practical value, even if part of a Doctoral thesis, and it is on this principle that the writer has worked. Notation such as that used by Leighton's contemporaries is not generally understood, even by a majority of qualified musicians. Therefore in making an edition of any early music it must be transcribed into a notation that will be easily and readily understood by the most tardy singer, for whom Leighton wrote the collection as much as anyone else. It is not an easy task to evolve an editorial system, which enables the performer to carry out the composer's intentions from a copy unencumbered by editorial markings, and which preserves scholarly honesty for those who expect it. There are occasions, in dealing with one particular aspect, when several possibilities are open to the editor, yet not one is entirely satisfactory. Perhaps the best illustration is that of barring, which was little used in Leighton's time, and then mainly in tablatures. It might be difficult to defend a view that composers were quite clear about its significance. The regular measure was beginning to emerge as a significant factor, and composers may have been recognizing the bar-line as a guide to accentuation; but for the most part one does not find bar-lines. Since in England no scores but only parts were printed, and since the accentuation of any part does not necessarily coincide with the accentuation of the others, scores and barring may have been superfluous. In preparing an edition of early music in a form of notation which developed in accordance with the requirements of a much different kind one is faced, in respect of barring, with a three-horned dilemma. Is one to accept the contemporary practice of not using bar-lines for anything but the tablatures and be faced with a score which would be confusing to choirs accustomed to another system? Should the editor use in each individual part barring of his own choice, bearing in mind that he would be fixing the accentuation and not allowing scope for the expression of the differences of opinion which do occur on this matter? Or should he follow the current practice of regular barring with the caveat that it is only a guide to the eye, not a direction to the mind? The course of action on this point must inevitably be the one which the editor considers to be the least evil. The writer has chosen the third of these, on the grounds that an unbarred score is almost universally agreed to be unsatisfactory; that irregular barring is not easy to the eye, and does impose too rigid an editorial view of the accentuation;

and that regular barring of older music has become widely accepted.

Besides developing an editorial technique and studying the musical and historical material for this thesis the writer was forced, as most other musicians taking on this subject would have been forced, into a field for which he had no previous training. Part of what appears between these covers is intended to reflect the effort that was put into acquiring paleographic knowledge. There was initially the task of discovering the whereabouts of legal and other records of Leighton's debts and imprisonment. It demanded learning about the Public Record Office, and particularly realizing the deeply-rooted pessimism among its staff about the likelihood of success in finding what one is looking for, which at first is not easily distinguished from a genuine knowledge of what does or does not exist. There may be some justification for this attitude, but it is not very encouraging to someone obliged to jump in at the deep end. It was also necessary to learn to read contemporary handwriting in its many styles, from the various court hands to those of local notaries, who quickly scribbled their documents. There was some difficulty in dealing with the plea rolls of the King's Bench, which are in an elaborate hand of abbreviated legal Latin. Lastly, there was the need to interpret the information gathered in order to assess whether one might find other related documents. It is possible that, owing to the fumbling of a musician trying to do the work of the legal historian, not all the material has been brought to light. There is a chance that the King's Bench contains some record of Leighton's imprisonment in the period immediately before 1609, as appears from the action brought by Abraham Jacob in 1612<sup>4)</sup>; and there may well be other records. Nevertheless, it is felt that what has been brought to light and collected to form the appendices presents a clear picture. It shows Leighton's dealings in property, certain debts, his outlawry and court actions. It sheds some light on his character and provides a basis for further study of his biography. It is unlikely that anything dramatic in the legal field will appear in future, since one would have expected it to be in the well-listed higher courts of Requests, Chancery or Star Chamber.

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The chapters which follow are devoted respectively to his personal background, the documents forming the appendices, the 1613 book of poems, and the 1614 collection of music.

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The writer wishes to acknowledge the help of the staffs of the University Library, St. Andrews, and the Public Record Office for considerable help with many matters; the help of Mr. A. F. Upton of the Department of Modern History in the University of St Andrews with historical and paleographic matters, and Mr. J. J. Robertson of the Faculty of Law in Queen's College, Dundee, with legal matters;\* and the help of numerous other libraries and individuals, in particular his supervisor, Mr. Cedric Thorpe Davie.

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\* add: the effort of Mr. C. J. Carter, Department of Humanity in the University of St Andrews in providing a working translation of the Latin records;

## CHAPTER II

1) Family background

The Leighton family has inhabited the county of Shropshire since before the Norman Conquest<sup>1)</sup>. Its original home was the manor of Leighton, eight miles south-east of Shrewsbury. In the late fourteenth century it made a temporary move to Church Stretton, when John Leighton married Matilda, heir of William Cambray of Church Stretton. A second and more permanent move was made in the mid fifteenth century when this John's grandson, also called John, married Anchoretta, one of the heirs of Sir John Burgh of Wattlesborough. From this point the family continued to live at Wattlesborough, which is about eight miles west of Shrewsbury, by the village of Alberbury, for nearly three centuries. A final move was made to Loton Park, near Shrewsbury, in the early eighteenth century by Sir Edward Leighton, second holder of a baronetcy created in 1692. Loton Park is now occupied by Sir Michael Leighton, Bt.

The marriage of John Leighton and Anchoretta Burgh raises a point of genealogy. According to William Betham, Anchoretta's father was the son of Sir Hubert de Burgh, who was descended from Hubert de Burgh, the powerful Earl of Kent in the reign of Henry III, and his third wife, Margery, daughter of William I of Scotland, whom he married in 1221<sup>2)</sup>. There is no evidence to support Betham's view that there was male issue from this marriage, though there was a son of the Earl's first marriage.<sup>3)</sup>

The Leighton-Burgh union produced three sons and five daughters. The first son, Sir Thomas, was for a time "knight of the body to king Henry the Seventh" and Member of Parliament for Shropshire<sup>4)</sup>. He was born in 1443 and died in 1519. His marriage to Elizabeth, daughter of Walter Devereaux, gave our subject a family connection with the second Earl of Essex, with whom he was associated for a time, as will be seen later. It was the second and much younger son of the Leighton-Burgh union, called Sir William, who married Margery, fourth daughter of Sir Fulke Sprencheaux, lord of Plash, and thereby paved the way for his succession to that manor on the death of Margery sometime in the early sixteenth century. There were no children of the marriage, and it was not until 1533 that Sir William had a son by his second wife, Dorothy, daughter of Sir Thomas Lacon of Willey in Shropshire, thus establishing the line at Plash. Sir William's son was also called William, and it is he who is the father of our subject.

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Leighton's father was buried in Cardington Church, Cardington being the village close by Plash, about five miles east-north-east of Church Stretton. His monument on the south wall of the chancel and the entry in the burial register give most of the facts that are known about him.<sup>5)</sup>:-

The monument

QVALIS. VITA. FINIS. ITA.

Here lieth the body of William Leyghton of Plashe Esq. Chief Justice of North Wales & one of the Council of the Marches of Wales w<sup>ch</sup> places he exercised by the space of above 40 y'rs w<sup>th</sup> greate sinceritie & w<sup>thout</sup> complaint. he was humble in prosperitie, in hospitalitie genial, to the poor bountiful, loving to his familie & to his friendes ten<sup>nts</sup> & neighbours comfortable and to all courteous and affable, contented w<sup>th</sup> competence wherew<sup>th</sup> God blessed him sufficiently for his calling,

He had 2 wives, the first Isabell daughter of Mr. Thomas Onslowe of London, Merchant, by whom he had 2 sons, William Leighton, Knight, & Richard & 4 daughters Dorothy, Ellinor, Mary & Elizabeth. The second wife was Ann d. of Renold Corbett of Stoke Esq<sup>r</sup> one of the Justices of the King's Bench, the familie famous and antient, by whom he had Henrye and Penelope, in whose memorie the said Ann to shew the true affection of a vertuous good wife and S<sup>r</sup> Roger Owen of Condoover Knight and Edward Lutwich & Edward Vernon Esq<sup>rs</sup>, his Executors, have caused this monument to be made

He died the 20 of December 1607.

Nemo ante obitum beatus.

The burial register (under 23 December 1607)

Ornatissimus ille vir Gulielmus Leighton, munificus huius  
Ecclesiae patronus, prudentissimus iurisconsultus, et aevi  
nostri iudex antiquissimus vicesimo Decembris e vita excessit,  
solemni in hac Ecclesia ritu sepultus fuit vicesimo tertio  
die mensis p'dicti 1607.

Vir bonus et prudens iacet hic sepultus in arca  
Cuius post mortem fama perennis erit.  
Fallax forma perit, pereat, fallacia fallax,  
Flos decus et species quae speciosa cadit.  
Pulvis et umbra sumus, mens diui filia summi  
Missa locis superis euolat ad superos.

His will was proved in the Prerogative Court of Canterbury on 1 June 1608. More will be said about it in the next chapter.

Sir William Leighton, the subject of this thesis, married Winifred, daughter of Sir Simon Harcourt, though an ecclesiastical record containing the details is not known. She was baptized at Drayton, Leicestershire, on 3 March 1564. They had three children, Harcourt, Rebecca and Dorothy. Harcourt married twice, but did not have any children, nor did either of Leighton's brothers, so the Flash line became extinct. Harcourt was a member of Cliffords Inn and was later admitted to the Inner Temple on 11 September 1609<sup>6)</sup>. He was also a Justice of the Peace for Shropshire<sup>7)</sup>, and was with the Committee of the Parliamentary Army at Naseby in 1645. He was buried at Cardington in 1658 and his will was proved in the Prerogative Court of Canterbury in 1659<sup>8)</sup>.

The Leightons enjoyed a modest prominence in both local and national affairs, and references are to be found in official documents at various times. From their ranks came Members of Parliament, sheriffs, members of local government bodies, minor courtiers, lawyers, soldiers and so on. Contemporary with Leighton were two well-known members of the Wattlesborough line, Sir Edward and Sir Thomas. Sir Edward was Member of Parliament for Shropshire in 1562<sup>9)</sup>, sheriff of Shropshire and Montgomeryshire and a member of the Queen's Council. Sir Thomas, often described as of Feckenham, Worcestershire, was also a member of the Queen's Council and Governor of Guernsey and Constable of the Tower of London. A detailed discussion of the family is given by Beriah Botfield<sup>10)</sup>.

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There are records of several people with the name William Leighton in the late sixteenth and early seven-teenth centuries, and occasionally it is not possible to distinguish them with certainty. A "Writ of Privy Seal, dated March 6, 39 Elizabeth, to William Leighton of Flash, esquire, demanding a loan of £25., with a receipt for that sum signed by Francis Newport"<sup>11)</sup> is a case in point. A William Leighton was involved in depositions in the Chancery Court in 1617 over the manor of Netherwood, but there is no indication of who it might be<sup>12)</sup>. It is clearly not Leighton's father; it is most unlikely that it is Leighton himself; but it might well be William Leighton of Wattlesborough, the third son of Sir Edward Leighton mentioned above, baptized at Alberbury on 28 March 1565 and buried there on 7 March 1637/8. The last-named William is clearly the one who signed a letter to the Earl of Essex from Wattlesborough on 15 September 1600<sup>13)</sup>. The William Leighton who features in two Chancery cases over the manor of Pontesbury is certainly Leighton's father, who is known to have owned it<sup>14)</sup>. The Fasti Oxonienses<sup>15)</sup> notes that on 22 April 1645 a Colonel William Leighton was granted the degree of Doctor of Law from Oxford. The entry reads:-

Apr. 22 Colonel Will: Leighton, who hath this Character of him in the public Register, fide & fortitudine pro Principe & pro Patria insignis, was actually created with due Solemnity on that day, in Convocation——He was descended from, or at least near of kin to, Sir Will Leighton Kt. an excellent Musician, Author of a Poetical piece entit. Virtue triumphant: or a lively description of the Cardinal virtues. Published in 1603. and dedic. to K. Jam. I.

The only William Leighton who seems to fulfil the description of this passage is the great-grandson of Leighton's grandfather's elder brother. Botfield's genealogy gives no description of this William, making sure identification impossible at this stage. An unidentified William Leighton (perhaps the one just mentioned?) wrote The Soules inquest; or a satisfactorie answer to 200 divine objectiones, 1645. This is preserved in a manuscript in the British Museum<sup>16)</sup> in a hand which is clearly mid seventeenth century, and cannot be the hand of either Leighton or William Leighton of Wattlesborough, both of whom were dead by this date. There is a stamp on the binding which does not resemble any known seal or armorial of the Shropshire Leightons. If this stamp has any armorial significance, it might be difficult to establish its identity from the records of the College of Arms, which are not easily searched at this period<sup>17)</sup>. Two other William Leightons have been identified, but neither is of any importance. They are William Layton, Cutler, recorded in the Calendar of Bails of the King's Bench in 8 James I<sup>18)</sup>, and William Leighton, Skynner, who lived with his family in the parish of St. Dionis Backchurch, London, up to 1574, when he was buried on 18 April "aged and blynde"<sup>19)</sup>.

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## ii) Leighton's life

Leighton attended Shrewsbury school, where eighteen Leighton children were registered between 1566 and 1629<sup>20)</sup>. Though there were two Williams registered in the 1570's, one just before 1574<sup>21)</sup>, and another in the autumn of 1578<sup>22)</sup>, it is the latter, designated "Arm. f. Sall. de Plashe", that is our Leighton. The calendary of this register is not precise, but a comparison of the column in which his name appears with the admission fee receipts suggests that he was registered in the autumn of 1578, and therefore that he was almost certainly born in the mid 1560's. The absence of registers for Cardington Church before 1594, and the apparent absence of family papers, precludes the discovery of a reliable record of his date of birth.

Nothing else is known of his early life. Efforts to find family papers through the National Register of Archives and London and Shrewsbury libraries have been unsuccessful. Attempts to obtain the co-operation of Sir Michael Leighton of Loton Park, the Vicar of Cardington, the present owner of Plash, and Mrs. J. Lawson of Shrewsbury, who is reported to have written a summary article on Leighton for the History of Parliament, did not meet with success; no reply has been received to written requests for information which these persons might possess. The ownership of Plash has changed often over the last three centuries, therefore the possibility of any material surviving there must be regarded as remote.

Though only scanty evidence exists, Leighton does seem to have spent much of his mature life in London. A letter from Richard Topcliffe to Sir Robert Cecil dated 11 October 1600 points out that Leighton was "sometime a follower of the Earl of Essex"<sup>23)</sup>, and one assumes from this that he must have spent a great deal of time in close contact with court circles. It was probably Leighton's distant family relationship to Essex that first helped him to enter this circle. In 1601 he was Member of Parliament for the borough of Much Wenlock<sup>24)</sup>, though there is no known record of any speech or active participation in the work of the House. On 11 December 1602 he was sworn in as a Gentleman Pensioner. The roll with the account from Christmas 1602 to Lady Day 1603 contains the following entry<sup>25)</sup>:-

Robarte Wiseman resined his place unto Will<sup>m</sup> Laighton who was  
sworne onto his roome the xj<sup>th</sup> daie of dec. so is due unto Ro.  
Wiseman ix.li. x.d. to Wm Laighton Lij.s. vj.d. in all xj.li. xij.s. iiij.d.

Gentlemen Pensioners were paid 2s : 6d. per diem, which means there is something amiss with the sum paid to Wiseman. Leighton last appears in these rolls in 1606, though the next surviving roll is for 1609. One assumes that he resigned in the intervening period, probably due to imprisonment. Shortly after being enrolled a Gentleman Pensioner he was made a knight. The ceremony, at which many were dubbed, took place in the garden of Whitehall immediately before the coronation of James I<sup>26)</sup>. He seems to have been in London in 1606, when property of his was sold "at and by the apponntemente and speciall Requeste of S<sup>r</sup> Willm Leighton of London,

knights....."27).

It is not known where Leighton lived in London; the parish registers that are published do not give any clue, such as the baptism of any of his children, and a complete search of the remainder from 1585 to 1625 is prohibitive. It is likely that during the years 1614 to 1616 he lived in the parish of St. Dunstan-in-the-west, since on 10 May 1614 he paid the remaining part of a small debt to the church, and on 11 January 1615/6 his wife was buried in the church. The churchwarden's account book records the debt<sup>28)</sup>:-

Debts received

Charge	Item received of Xofer Bowe in full payment of a debte of iij <sup>l</sup> due by him and William Leighton by their bill	xl <sup>s</sup>
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His name does not appear in a list of names of donors to the church repair fund given on folios 77-83<sup>r</sup> of this account book dated 7 April 1615. The assessment was set down in October 1613, and being for the repair of the church it may well have been a legalized levy. The burial register<sup>29)</sup> has the entry "Willgifford the wife of S<sup>r</sup> William Layton Knight was buried", and the churchwarden's account book gives details of the funeral expenses<sup>30)</sup>:-

January 1615/6

The xj <sup>th</sup> daie for the ground in the Church for the Lady Layton for the knell for the peales towards the cloth	xij <sup>s</sup> iij <sup>d</sup> xj <sup>s</sup> iij <sup>d</sup> viij <sup>s</sup> ij <sup>s</sup>
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The charges for the first three items seem a little high. There is one further reference to his presence in London: this is in an action in Chancery brought by Harcourt in 1630 against Thomas Woolwiche over the manors of Holt Preen and Hughley in Shropshire, both near to Plash<sup>31)</sup>. This states that at the time of the incidents concerned in the action, for which a date is not given, Leighton and Harcourt were "absent in London". We also learn from this action that Leighton was dead before 1630, though it is not known when and where he was buried. A will, if one ever existed, has not been found; searches of all the probate courts held in various repositories in London as well as those for the dioceses in and around Shropshire have been made<sup>32)</sup>.

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The tendency of those who sought social and political advancement to gravitate to London, and particularly to the hub of power and influence, the court, is understandable. That is where the ambitious could gain the knowledge to aggrandize their position and form those acquaintanceships that would provide the key to greater advancement. The social position Leighton obtained in his early years in London as a follower of the Earl of Essex, as Member of Parliament for his own 'constituency', as a Gentleman Pensioner and as a knight, accords with his status as one born into the landed gentry. This was determined even before his birth, because his age had not experienced the English Revolution, and the consequent emergence of the bourgeoisie as a social force of importance, and its integration with the landed gentry in the subsequent one-hundred-and-fifty years. Nor was it an age when many fortunes could be made in commerce by exploiting the discoveries of science and technology. Despite a certain amount of ascent and descent the landed gentry was a fairly static group, the same families wielding more or less the same degree of influence for many generations, even down to the twentieth century.

Leighton may not have lacked the inclination to raise himself above his station, since, in addition to

joining influential circles, he also desired the essential prerequisite of economic strength in the form of land and property, the main form of wealth and growth at the time. He appears to have tried hard to increase his holding, and was not averse to dealing in a manner unbecoming of a gentleman if the need arose. The fact that in the decade from 1603 there is strong evidence that he lost control of his financial affairs points to indifference, incompetence or ill-luck, or a combination of all three. He lacked personal discipline in not being able to pay his debts, and therefore not matching his expenditure to his income. He found himself committed to Elizabeth Knowles in a bond of £800<sup>33)</sup>, a very large sum for the time. He was careless in not keeping documents safe, as the action he brought against John Rogers in Chancery shows<sup>34)</sup>. And it was worse than careless to have been forced into the position where he was unable to pay a debt of five-hundred marks<sup>35)</sup> to the Duke of Lennox, and to have caused him much inconvenience and embarrassment with his merchants<sup>36)</sup>. Lennox was rightly indignant, and, being human, would have found it difficult to refrain from telling his friends. Information of this kind circulates quickly, and since many of Lennox's friends were at court, the situation could not have done Leighton much good, and probably did him much harm.

It is not easy for a man to arrest a situation such as the one Leighton got into. In trying to make a bonded arrangement between two of his debtors, the Earls of Suffolk and Shrewsbury, and one of his creditors, Elizabeth Knowles, things did not work out as smoothly as he perhaps hoped; rather than ease the situation, it seems only to have made it worse<sup>37)</sup>. So in the decade from 1603 we find Leighton in a good deal of financial difficulty. With it there appears on the surface to have been a serious emotional conflict, which in 1612 became serious enough to precipitate The tears.

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## CHAPTER III

The documents brought to light concerning Leighton, given in transcript as Appendices 1-18 are of three kinds: property transactions, court records and miscellaneous documents. The evidence for his dealings in property is contained in two legal actions, two deeds, an indenture enrolled in the King's Bench and a grant to Anthony Dyott to conclude a deal with the Earl of Shrewsbury<sup>1)</sup>. The remaining court records are concerned with bills presented in the King's Bench against Leighton claiming payment of debts<sup>2)</sup>. There are four miscellaneous documents, two concerning debts and two concerning his outlawry<sup>3)</sup>.

Those in English have been transcribed literally, all abbreviations, spelling, punctuation and the characteristic letter 'e', which usually stands for 'es', being retained. A different procedure was adopted for the Latin texts of the King's Bench records, where it was felt that the pursuit of this subject would be better served if the abbreviations were expanded into contemporary Latin spelling. It is realized that in a number of passages throughout both English and Latin documents, the possible margin of error is large, owing to the nature of the hand. In a number of places it has not been possible to produce a transcript, either because the document has deteriorated beyond legibility, or because an interpretation is beyond the writer and his advisers<sup>4)</sup>. In these places an underlined space has been left for approximately the length of the word omitted. A question mark has been placed after words about which there is doubt. Underlined words, e.g. sic, are editorial and included for the guidance of the reader.

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i) Property transactions

The first record we have of Leighton's land and property dealings is in a bill of complaint against John Rogers, Humphrey Beardmore and George Sneade presented to the Court of Chancery on 23 November 1596<sup>5)</sup>. Leighton alleged that he had bought various lands and properties in Walton, Sandon and High Offley in Staffordshire from Phillip Trevin, that the normal legal processes had been observed, and that he had duly taken control of these lands and properties. But, he went on, Rogers, who had owned them immediately before Trevin, and his two accomplices, Beardmore and Sneade, had by some underhand means obtained his (Leighton's) deeds and were publicly pretending that Rogers was the rightful owner, that Rogers had installed Beardmore and Sneade as tenants before the alleged sale to Trevin, and that there was a deed of feoffment to prove it. Not accepting this view on the grounds that he believed the deed of feoffment to Beardmore and Sneade had been made after the sale to Trevin, and after due request to return his deeds had proved unavailing, Leighton felt obliged to appeal to the Court of Chancery to summon these gentlemen to explain themselves.

Leighton claimed that he had no remedy in common law, because he did not know the detailed contents of his deeds; this is hard to understand, since it was well within the right of the King's Bench, the highest common law court, to hear an action for trespass against a man<sup>6)</sup>, which included trespass "against his Land, by carrying away Deeds and Evidences concerning it"<sup>7)</sup>. He gave a slight indication in his bill that he had been ejected from the property<sup>8)</sup>, which might have ruled out an action in common law. An answer is not attached to Leighton's bill, nor is there a master's report<sup>9)</sup>, therefore we may conclude that either the bill was refused on the grounds that he did have remedy in common law, in which case one wonders why the record of the bill was kept, or that the mere presentation of the bill was sufficient to force Rogers to withdraw, at which point the matter would have ended. Records of a common law action or of further conveyancing of these lands and properties, which would indicate the outcome of this incident, have not come to light.

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It is common for a writer pursuing a subject from this period to be prevented from giving a full explanation simply because essential documents have not survived. This is the case with regard to Leighton's property transactions and therefore some assumptions have to be made from what does exist.

In 1604 Leighton seems to have sold or mortgaged almost everything he is known to have owned to George Onslow, John Coates, Richard Mitton, Richard Thornes and John Orme<sup>10)</sup>; and about the same time, though the only indication of the date is in the letter from the Duke of Lennox reproduced as Appendix 7, the rest went to the Earl and Countess of Shrewsbury<sup>11)</sup>. Whether actually mortgaged or directly sold is the point which is inconclusive, but there is good reason to believe it was mortgaged. In the documents reproduced as Appendices 3 and 4 Leighton disposed of certain lands and properties by 'deed of bargain and sale', as did Thomas Fitzherbert<sup>12)</sup>; and this was a common method of mortgaging. What usually happened was that a mortgagor and a mortgagee would agree on the sum of money the latter was willing to lend. Then a deed of bargain and sale for the lands and properties which were to form the security for the loan would be drawn up, naming the parties, stating the price, specifying the securities and giving any other terms of a conveyance. This was not a complete conveyance, only a record of agreement between the two parties and the authority to carry out the conveyance, which would be complete when a fine had been given, a fine being "a final agreement or conveyance upon record, for the settling and assuring of lands and tenements, acknowledged in the King's Court by the cognisor to be the right of the cognisee"<sup>13)</sup>. Since the deed of bargain and sale was only a half-way stage to a complete conveyance there was room for manoeuvre in three directions: either the seller could recover his lands and properties by repaying the mortgage within an agreed period, or the purchaser could, after expiry of a time limit, demand a fine and thereby keep the securities, or the two parties could agree at any time to the mortgage being taken over by a third party.

We seem to have in the documents discovered an example of each of these procedures. Appendix 3 gives us an example of the first, in that Leighton ostensibly sold certain messuages and tenements in Weston Lullingfield and other places to his father in 1605/6. Since he did not recover them through his father's will<sup>14)</sup>, yet was able to sell the Weston Lullingfield part of this lot to John Harman in 1609<sup>15)</sup>, two years after his father's death, there must have been a re-sale, or more likely a redemption of a mortgage in the meantime. It will be seen in both documents that the names of Elizabeth Newton and her son, Thomas, are given as previous owners of the Weston Lullingfield messuages.

Appendix 2 provides an example of the second procedure. In this case the lands and properties were conveyed to the gentlemen named as a gift, which indicates that there may have been some obligation, such as a debt, involved. Leighton still retained some rights on the lot, since five years separate the original Indenture Tripartite, which made the gift, and this indenture made with Thomas Clive.

The third procedure is clear and without doubt in Appendix 5, where we find Thomas Fitzherbert mortgaging the manors of Hampstall, Ridware and Rowley Parks and Hathersage for £700 to Michael Weeks and Richard Hunt on 27 February 1595/6, and seven months later, on 25 September 1596, allowing Henry Bellingham to redeem the mortgage from Weeks and Hunt. Some time later, for which we do not have a date, Fitzherbert agreed to allow Leighton to have these lands and properties provided he redeemed the mortgage and other debts of Henry Bellingham<sup>16)</sup>.

There are three points which might be cleared up here. First, the terms 'deed of bargain and sale' and 'deed of mortgage' were applied to the same document in the Star Chamber case, Bellingham v Fitzherbert, Leighton and others<sup>17)</sup>. Second, it was perfectly acceptable to the law for a deed of bargain and sale to be used as a basis for a mortgage provided that the mortgagee did not, out of the profits of the lands and properties, accept more than ten per cent per annum interest on the value of the loan contrary to the Statute of Usury<sup>18)</sup>, which carried very heavy penalties. Third, while the explanation given above of the method by which the mortgage was made is supported by the documents that are available, it may not be quite complete. There is an indication of this in the third question directed to Leighton in Appendix 5<sup>19)</sup>, where we learn that Fitzherbert conveyed the lands and properties to Weeks and Hunt for £700 on 27 February 1595/6, and that on the following day Weeks and Hunt reconveyed the same lands and properties back to Fitzherbert with the proviso that if he did not repay the £700 on or before 1 May 1598 then they would be legally entitled to

repossess the premisses. In the absence of other evidence one cannot say whether this procedure was followed in all the sales or mortgages referred to in these documents.

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The extent of Leighton's holdings is amply illustrated in Appendices 2-6. The first of these gives a large list of towns, villages, hamlets and parishes in which they were situated; though the document claims they were all in Shropshire, the manor of Wigginton appears not to be, but in Staffordshire, about one mile from Tamworth. We also know from Appendices 5 and 6 that he held the manors of Hampstall and Ridware and Rowley Parks in Staffordshire and the manor of Hathersage in Derbyshire. It is not possible to assess their value accurately, though the sum of £100,000, a considerable fortune at the time, might not be greatly inaccurate. Fitzherbert claimed that Hathersage, Hampstall and Ridware and Rowley Parks were worth together £20,000, and that he had been offered £4,000 for Ridware and Rowley Parks alone<sup>20)</sup>. The only mention of quantity is in question 16 directed to Walter Massy in Appendix 5, where two hundred acres of pasture in Ridware Hampstall are referred to, though this does not indicate what portion of the whole lot these acres comprise, nor can any value be placed upon them to obtain a comparison.

In view of the apparent worth of all these lands and properties, one must ask why he mortgaged them simultaneously. A man does not dispose of anything up to £100,000 worth of lands and properties for no reason. Of course, he may have been heavily in debt; life in London's high society is reputed to be expensive at any period of history. The fact that he gifted the lot to Onslow, Coates, Mitton, Thornes and Orme, that he was unable to pay a debt of five hundred marks to the Duke of Lennox, and that Abraham Jacob and Elizabeth Knowles seem to have bailed him out of prison in 1605 supports this view. But is it reasonable to accept that he was in debt for the vast amount of money these lands and properties were clearly worth, even if £100,000 is an over-estimate, or even for their mortgage value? He could surely have "wiped the slate clean" of a few thousand pounds worth of debts by selling outright a portion of his estate, and still have retained large assets.

There are clues in what might be described as The Fitzherbert Affair<sup>21)</sup>, represented by Appendices 5-7, and the letter from Richard Topcliffe to Sir Robert Cecil<sup>22)</sup>. Leighton, it seems, purchased at some point a statute of £2,000 from the Bishop of Coventry and Lichfield, which Fitzherbert had acknowledged to the Bishop in about 1588, and which gave the Bishop an interest in Hathersage, Hampstall and Ridware and Rowley Parks<sup>23)</sup>. This Leighton did without Fitzherbert's permission and knowledge, clearly to acquire greater control over the premisses, in which Leighton already appears to have had an interest of about £5,000<sup>24)</sup>; it can only be described as a piece of very unscrupulous and shady dealing. The glaring light which the fourth estate casts on land speculators in the twentieth century must obviously not blind us to the fact that Leighton's age was not without them. In 1600 Leighton was one of a group who threatened Richard Topcliffe with various unpleasantries at a time when the in-fighting over Fitzherbert's lands was at a savage period<sup>25)</sup>. And six months after this there were accusations and counter-accusations of perjury between Leighton and Richard Edwards, principal of Clements Inn<sup>26)</sup>.

So it may be that Leighton was not actually in serious debt in 1604, but was deeply involved in some disreputable practices, which necessitated some financial juggling. That there was something of the kind is clear from reading the documents of this affair, and the mind is intrigued by the possibilities; but the lack of documentary evidence, one hopes only temporarily, calls for reticence.

As a conclusion to this section on his property dealings note is made of four sections in the Patent Rolls containing grants of various lands in Shropshire to Leighton in 1608<sup>27)</sup>.

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ii) Debts and imprisonment

From 1608 onwards records of Leighton's debts appear more frequently. The first is a note in the State Papers, Domestic Series, of a bond of £426 due to Sir William Harmon, which Leighton seems to have redeemed after it was placed in the King's hands. Appendix 8 is a transcript of this record, which tells us all that is known of the bond. The remaining records are concerned with bills filed against him in the King's Bench and the consequences of them.

The first of these are two perfectly straightforward actions on bills presented in Hilary term, 6 James I, and recorded in Easter term<sup>28)</sup>, the first by Samuel Tower<sup>29)</sup> for a debt of £40 and £1 for costs<sup>30)</sup>, the second by George Pollard<sup>31)</sup> for a debt of £100 and £1 for costs<sup>32)</sup>. The wording of the two documents is almost identical, the names, dates and sums of money perforce being different. In both cases Leighton had signed a bond for the sum of money in question<sup>33)</sup>, but had persistently avoided paying, "iniuste detinet", compelling Tower and Pollard individually to seek restitution in the courts. Leighton was given until Wednesday following the eighteenth day after Easter<sup>34)</sup> to examine and then answer each charge<sup>35)</sup>; but since he failed to do so, the court merely acknowledged the right of these two gentlemen to their respective debts and costs, leaving them to make the recovery.

Shortly after, at the beginning of Trinity term, William Jobson<sup>36)</sup> renewed an action for a debt of £100 and £1 for costs<sup>37)</sup>, by asking the court to call upon Leighton to show why he (Jobson) should not have an execution<sup>38)</sup> for non-payment. Leighton was called to appear on Friday, 26 June 1609<sup>39)</sup> to answer the complaint, but failed to do so. Jobson and two others named went out to find him on two occasions, but he would not attend the court, therefore Jobson was granted his execution. From what follows it seems reasonable to assume that Jobson required Leighton's imprisonment until satisfaction was given, but again Leighton refused to come forward.

At the end of the term a special order was made by the presiding judge, Sir John Croke, for Leighton to deliver himself to the Marshalsea Prison<sup>40)</sup>. This is recorded in two notes at the end of the Plea Side Rule Book for that term<sup>41)</sup>, which read<sup>42)</sup>:-

marreshallus//Ordinat est quod hac Coram Willelmi Leighton militi fiat ad facit et recepit  
retornabile unedicat Johannes Cro(c)ke militem vno Iustis Curia domini Regis  
hic es et ipse reddat se prisone marreshalli es ad voluntatem ante quintus  
(vicesimus decimus) diem ( \_\_\_\_\_ ) Octobris nunc proximum sequens.

There seems little doubt that this was the result of his refusal to obey Jobson's demand. Nothing seems to have happened immediately following the order, perhaps to give Leighton time to appear; but there is a limit to the patience of any court, and so we find in Hilary term following, several summonses noted in the Rule Book ordering Leighton to appear at the Bar<sup>43)</sup>. On Wednesday the octave of Hilary (20 January 1609/10) he was ordered to appear the next day<sup>44)</sup>; the summons was repeated the following Tuesday, though again he ignored it. It was on Monday after the octave of the Feast of the Purification (15 February 1609/10) that the court became a little impatient and sent an order to Leighton (and the rest) to appear instantly, namely that day. Each of these three summonses would be issued by a writ sent to Leighton, if he was available, by the hand of a court official, or otherwise it would just be made public; the first would be a capias ad respondendum, the second an alias, and the third a pluries. If he ignored the last of these, which he appears to have done, he could, and almost certainly would, be outlawed<sup>45)</sup>; within three weeks of this last order his outlawry was confirmed. The record is not in the Rule Book referred to, but in the State Papers, Domestic Series, dated 4 March 1609/10, and also in the Patent Rolls one month later<sup>46)</sup>.

The evidence seems to support the view that his persistent refusal to appear to answer Jobson's, and probably Tower's and Pollard's, charges gave the court no alternative but to outlaw him, particularly the passage at the beginning of Appendix 10, where we read:- "Whereas Sir Willyam Leighton of Plashe in the County of Salop knight standeth outlawed after Judgement in divers psonall accons at the suit of divers psons as by the Recordes of the said outlawries more att large appear~~th~~th....."

The law relating to outlawry upon debt has its foundation in a statute passed by Edward I in 1285<sup>47)</sup>, which provided for the imprisonment of the debtor at his own expense until he satisfied his creditor, and for his outlawry if he did not deliver himself to prison during that time. Amendment of this law in subsequent centuries was particular rather than general. "Upon Outlawry on a Judgement in Debt, &c. the Person immediately forfeits his Goods and Chattels to the King; but not the Profits of his Lands or his Chattels Real<sup>48)</sup>, until Inquisition taken; And Alienation after an Outlawry, and before Inquisition, is a good bar to the King, as to the Perception of the Profits"<sup>49)</sup>. As will be realized from Appendix 10 Leighton lost everything he possessed, including his chattels real. There is no available record of the Inquisition that seems to have followed outlawry, nor of his return to inlawry. One wonders precisely what happened here, since he was able to file a bill of complaint in the Court of Chancery in May 1612 and the answer to it assumes that he had lands<sup>50)</sup>. One is tempted to think that a little tactical alienation was practised, but it would be idle to speculate without something tangible.

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On 30 May 1605 Leighton entered into a bond of £800 with Elizabeth Knowles which was void so long as he paid to her, through her brother, Abraham Jacob, £30 per annum during the joint lives of her and Leighton's father, and 100 marks per annum for the rest of her life should Leighton's father predecease her; "wch payment & somes of money beinge for Important causes & consideracons.....". It is known from the record of the King's Bench action on this bond<sup>51)</sup> that it was made as part of a bargain to get Leighton out of prison, (for debt? perjury?), though what connection it had with Leighton's father is hard to imagine. It is also hard to imagine why anyone should bail a man out of prison in exchange for a bond.

However, Leighton defaulted in his payments, and this set off a chain of controversy between the two parties. Knowles wanted her money, to which she appears to have been legally entitled; Leighton ignored her demands. Knowles, who seems to have been something of a harridan, pestered him until he offered to make bonded arrangements between the Earls of Suffolk and Shrewsbury, two of his debtors, and her—a careless step. Each Earl seems to have owed Leighton £100 according to Knowles, so the sum of £200 was fixed in each bond, with condition for the payment to Knowles of £100 in portions on agreed dates. The Earl of Suffolk paid his £100, in return for which he received his bond "cancelled and defaced". Leighton claimed that Jacob, who the whole time was acting for Knowles, was out of order in doing this, since the bond was his (Leighton's) and he was thus denied the power to sue for the remaining £100, an odd argument, whilst Jacob counterclaimed that the bond was not Leighton's, and anyway the two bonds made did not meet the whole of the debt due to Knowles<sup>52)</sup>. Knowles and Jacob obviously didn't care about Leighton's rights provided they got hold of the money. They continued to press for the annual payments without avail, until, Knowles being exasperated, Jacob put the bond in suit in the King's Bench in Easter term 1612. Leighton immediately countered with a bill of complaint in the Court of Chancery on 28 May claiming that Knowles had no rights under the bond and asking the court to order it to be redelivered, and to grant an injunction to stay proceedings in the King's Bench, which being a prerogative court it had the right to do. It seems the injunction was granted; Knowles and Jacob answered the bill on 12 June, but the master's report published on 3 November following was unfavourable to Leighton.

Leighton now had to face the King's Bench, and, whether by design or not, he seems to have fenced off the attack successfully. The bill was presented in the usual way, and Leighton was given time to answer, the form of words being very similar to other debt cases. The Leighton, with the degree of spirit he showed in the Chancery action and in contrast to the weak morale of The tears of 1613, pressed Jacob and the court for a trial by jury. In compiling the record the clerk left a space for the date of the hearing to be filled in when it had been agreed upon. But it will be seen from the photograph of the original<sup>53)</sup> that the space was not completed, nor was any conclusion of the action reported; and furthermore there is apparently no later record of this trial. It was usual to report continuations and conclusions on the first record, as will be gathered from other King's Bench documents in Volume II, so it is likely that nothing more transpired. It may be that Knowles's exasperation, clearly revealed in her Chancery deposition, became so acute that she gave up trying to get her money.

There remain three King's Bench actions to be discussed, Appendices 16-18. The first of these was brought by William Wonham<sup>54)</sup> in Hilary term 1610/11 and recorded in Easter term. The wording and procedure at first is virtually the same as in the Tower and Pollard actions, save that this action was against both Leighton and his brother-in-law, John Parry; the sum sued for was £30. Leighton and Parry did not appear in court on the day appointed for them to answer Wonham's charge, 27 April 1611, therefore judgement was given in Wonham's favour. However, the debt was not paid, so Wonham returned to court on 5 October following, bringing Leighton and Parry with him, to seek an execution for the debt. This was granted and Leighton and Parry were accordingly committed to the Marshalsea Prison. A further postscript records that Wonham's lawyer, Richard Seyliard, appeared in court on Monday, 1 June 1615, to acknowledge Wonham's satisfaction and to permit Leighton's release; oddly, Parry's name is not mentioned in this last postscript.

The second of these, for a debt of £100, was brought by William Veisie<sup>55)</sup> in Hilary term 1611/12, and Leighton was given until a date in Trinity term that year to answer it. Though in the Marshalsea Prison he did not appear in court on the appointed day, which is somewhat puzzling; one would have thought that the court clerk would have arranged for him to be brought up. Judgement was given in Veisie's favour in Leighton's absence; but on Saturday, 1 December 1612 Veisie reappeared to seek an execution for non-payment, which was granted. This was relaxed on Monday, 1 December 1614, when Veisie's lawyer, Charles Wiseman, acknowledged Veisie's satisfaction. But, of course, Leighton would not be released, since the execution granted to Wonham was still in force.

The third was brought by Roger and Elizabeth Jones<sup>56)</sup> in Easter term 1612; Leighton was given until 12 October following to answer it. This time Leighton did appear in court with his lawyer Richard Schard, and this may indicate a change of attitude at the time he was fighting Abraham Jacob and Elizabeth Knowles. Leighton pointed out that he had not been informed of all the circumstances of the case. He had entered into a bond of £200 with Peter Bostock<sup>57)</sup> on 26 July 1610; Bostock died soon after on 22 November 1610. The Joneses, who were Bostock's heirs, had obtained letters of administration from Thomas Nevil, Dean of Canterbury, and in the course of winding up Bostock's estate, which had been left without, had found Leighton's bond. Leighton's excuse is rather thin, but it is the one he gave. Judgement was given in favour of the Joneses, and nothing more seems to have transpired.

It would seem from this that Leighton was in prison for a continuous period from October 1611 to June 1615, nearly four years. The only direct references outside these records to this imprisonment are in the two books of The tears, and in only one case is the present tense clearly used; this is in the poem addressed to the reader which appeared in both 1613 and 1614. In 1613 Leighton wrote:-

which thogh those lines a prisners pace do walk

amended slightly in 1614 to:-

what though those lines, a prisoners pace now walk

At no point in all the court records is there any admission that he was a prisoner, in the way that Thomas Fitzherbert admitted he was a prisoner in the Fleet. We have only the term 'execution', which, as has been stated<sup>58)</sup>, had one form which did not involve imprisonment. If we accept the accuracy of the two lines just quoted, and the truth of his other references to his imprisonment, it would be correct to assume that the second form of execution was applied. The one slight contradiction is at the end of the address to Prince Charles in the 1614 book<sup>59)</sup>, where he wrote, "I haue then already attained to the height of my ambition, and hearty desire, and to the party thereof: I oblige my selfe to the end of my life, as duty bindeth". It depends what his ambition and hearty desire was. If it was securing release from prison, then it may be both Veisie's and Wonham's statements of satisfaction were a little delayed in being announced and recorded, and that Leighton was out of prison sometime in 1614, after the revision of the poem referred to above, but before he wrote the address to Prince Charles.

## CHAPTER IV

i) Printing history of the 1613 book of poems

The first of the two volumes published under the title The tears or lamentations of a sorrowful soul, containing only the poems, was printed in 1613 by Ralph Blower, who entered it with the Stationers Company on 25 January 1612/3<sup>1)</sup>.

Ralph Blower

Entered for his copie vnder th andes of Master Mason.  
and master harison Warden. A booke called teares or  
lamentations of a sorowfule soule. written by Sir  
WILLIAM LAIGHTON Knight

vj<sup>d</sup>

It is a quarto, as will be seen from the photographs forming Volume III of this thesis, and shows a fairly good standard of printing for the time. These photographs were taken from the copy in the Bodleian Library, Oxford; copies in the British Museum, Cambridge University Library and the Henry Huntington Library, California, have been examined or enquired into, and some mention must be made of the differences between them in the collation of their preliminary leaves.

The text of the prefatory matter that has survived is contained on eleven leaves, though none of the four copies referred to contains them all; let us therefore list these leaves and give a number to each<sup>2)</sup>:-

Number	Description	Signature, if any
1	Title-leaf	(*1)
2	Address to the reader	*2
3	ditto continued	*3
4	"Explode my harshness....."	(*4)
5	"Names do but....."	A
6	"For to use conference....."	A2
7	Address to Prince Charles	—
8	Laudatory poem by Thomas Burt	—
9	<u>A farewell to the world</u>	**
10	ditto continued	**2
11	Address to the Lord Chancellor	—

We may now tabulate these leaves to show the order in which they appear in each of the four copies, marking the conjugates<sup>3)</sup>:-

Bodleian	Cambridge	B.M.	Huntington
1	1	1	1
2	7	8	7
3	2	9	11
4	3	10	2
5	4	7	3
6	5	2	4
7	6	3	5
		4	6
		5	9
		6	10

The binders were thoroughly confused about the order of the leaves in both the British Museum and Huntington copies, and the binder of the Cambridge copy was not wholly sure; in each case the continuity of the text is not disturbed, even though bound in a different order from the rest. The confusion arose from three shortcomings of the printer. First, the gatherings A and \*\* are not complete groups of four leaves, as are all the other gatherings in this book; A-A2 and \*\*-\*2 were originally conjugates, whereas in normal circumstances A-A4, A2-A3, \*\*-\*4 and \*2-\*3 would be conjugates. Second, there are three unsigned leaves. In quarto an unsigned leaf is usually the last of a gathering of four<sup>4)</sup>. But to suggest that each of these is the last of a gathering would be ridiculous, since it would mean that there were originally three preliminary gatherings in addition to \*, A and \*\*, and therefore that nine leaves of preliminary text are missing. Yet there is not the slightest indication to the binder as to what he should do with these three leaves. Since one of them contains a laudatory poem, one would expect it to belong with the other laudatory poems, and therefore signed A3; but this is not the case, a fact which indicates slovenliness on the printer's part. The third and most serious shortcoming was the printer's use of A as a signature within the preliminary leaves. In doing this he did not calculate for something that almost certainly happened. It was customary for alphabetical signatures to be reserved for the main text, the preliminary leaves being signed with asterisks, swords and similar signs; binders clearly understood this. If a printer observed the custom, he could not fall into the trap of having preliminary material arrive late, and consequently being forced into fouling the flow of the signatures. There can be little doubt that the poem A farewell to the world did arrive late and was then given the signature \*\*. This cannot be bound in its proper place according to the signatures, between \* and A, since it would interrupt the continuity of Dyott's poem from \*4<sup>V</sup> to A1<sup>R</sup>.

It is in these three points that the root of the binders' troubles lay, but it is impossible to give a more detailed explanation here. There appear to be no clues in the type faces used; so in order to find more information it would be necessary first to examine each actual copy for water marks and any other features which might indicate which of the three unsigned leaves, A and \*\*, if any, came from the same sheet of paper. In doing this one might discover the printer's layout, and consequently the reasons for the situation described above. The physical impossibility of carrying out this task at present may be obvious.

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## ii) Preliminary material

It was a fashion in Leighton's time to demonstrate a degree of humility, especially if one was not of high social rank. In some books we find a mild pretence in the dedication to some noble or member of the landed gentry, or in the address to the reader. In others there is an embarrassing affectation and ostentation of personal inadequacy. The degree of the demonstration varied quite widely. Thomas Morley, probably the most knowledgeable musical theorist in England at the time, began his book A plain and easy introduction to practical music, 1597, with, "I do not doubt but many (who have known my disposition in times past)<sup>5)</sup> will wonder that, amongst so many excellent musicians as be in this our country at this time, and far better furnished with learning than myself....."<sup>6)</sup>, but this is all one finds of Morley's self-abasement. In Leighton's Tears it persists not only through the preliminary material, but throughout the main text. Humility and self-abasement were conventions which probably grew from centuries of effort by the authorities to inculcate a sense of social discipline and responsibility in all sections of the community, and to create a coherent society with an effective law and government. The ineffectiveness of law enforcement, particularly in dealing with local and sectional interests, led the authorities, through the medium of the Church, which can be regarded as an arm of authority, to encourage submission in all men to the will of God and, more to the point, to the will of His anointed. The efforts of the authorities in the post-Reformation era in seeking social cohesion were particularly vigorous; the strong emphasis placed on the religious order of society, the determination of Elizabeth I to enforce church-going by punishing recusancy, the whole character of the Book of Common Prayer, and the increasing discussion of humility and obedience in books and sermons

over the late sixteenth and seventeenth centuries were all symptomatic of these efforts. Naturally there was much resistance, if only in the form of indifference and the desire of individuals to pursue their own course. The actions of Leighton in his dealings with Thomas Fitzherbert discussed in the previous chapter are hardly in accord with the socio-religious attitudes of the time, nor with the views of his own poems. Nevertheless, in their attempts to keep back the tides of disorder through moral teaching the authorities had some success.

Often the posture of humility can be traced to motives of self-preservation. At the beginning of a Parliament the man chosen to be Speaker of the House of Commons still makes a pretence of unwillingness to accept the chair, a tradition harking back to the dangerous days when he might have lost his head on behalf of a House disliked by the King. Almost every book published at the time contains a dedication to someone of higher social rank applauding that person's ability in or knowledge of the subject, and specially requesting his or her protection of the book<sup>7)</sup>. This posture has the same intention in Leighton's Tears, though in a slightly different way. A man of moderate social rank who through his indifference, incompetence or misfortune accumulated debts, ill-will and even enmity, and suffered the indignity of imprisonment, could not have been in a strong position on his return to normal life. He would have found it difficult to be accepted by many of his previous friends and acquaintances, and potential new friends and acquaintances would have been wary of a convicted persistent debtor. Leighton was in this position, even to the extent of having been forsaken by his family<sup>8)</sup>. Therefore, he set out to effect what may be described as a 'public relations exercise' to re-establish himself in society. In the preliminary material he followed the usual two-pronged strategy, though on a very much larger scale than others. First, he tried to convince his readers in three separate addresses, one a poem, that he was repentant and submissive to the will of God and that he was more concerned for the good of others than for himself. Second, he set out to gather as much public and private support as possible by persuading many poets and musicians to contribute to the two versions of The tears, and by his addresses to Prince Charles and the Lord Chancellor. In doing this he doubtless consolidated his friends, dissipated criticism from his enemies and relieved any tension that might have existed beyond the perimeter of his circle.

The first article on the verso of the title-page is poised so as not to raise tempers. Leighton plays down his own skill at the outset, and points out that these poems were published "not in vain affectation or ostentation of my owne skill.....but onely in an vnfeigned affection and earnest desire that the humbled hearts (together with mine) may reape profit and consolation by singing or reading of them". This approach was developed further in the address to the reader which follows. He claimed that he had faced a dilemma, whether to publish "the least part of my vnfaigned and true repentance" or not. He realized that if he did, it would be in "rude, and vnpolisht" lines". "But the deep affection I haue, wishing the good of all the Faithfull: And chiefly the praying, and magnifying of the mercy of Almighty God, hath overcome all difficillities". He considered that God's punishments were a means of instruction, not destruction, and that his own "wofull, large, and long experience of imprisonment, troubles, crosses, sicknes and afflictions" were so intended, and he drew comfort from this knowledge. All this seems too precious, even for the early seventeenth century. If it is absolutely sincere, Leighton must have been a very broken man, but there is no evidence to show he was. Less than three months before this book was entered with the Stationers Company he seems to have successfully beaten off the legal attack from Abraham Jacob without any sign of weakening morale. It is hard to accept that after this success he suddenly broke down into a repentant state of mind; one would expect the success to have fortified him.

There are few books of the time containing what amount to three addresses to the reader, two dedications and so many laudatory poems. Seven poems were printed for the 1613 book, and six more were added to them for that of 1614. The seven printed in 1613 were by Ed. Cooke, Anthony Dyott, John Layfield, Arthur Hopton, Luke Jones, John Lepton and Thomas Burt. Of these nothing is known of JONES. COOKE is probably the Edward Cooke who wrote Bartas junior: or the world's epitome, published in 1631 but written, according to the address to the reader, about twelve years earlier. ANTHONY DYOTT, spelt Dyat in 1613 and Dyet in 1614, was one of the Lichfield Dyotts and a close friend of Leighton. He was Member of Parliament for Lichfield in 1601 and 1603-11<sup>9)</sup>, Recorder of Tamworth<sup>10)</sup> and probably Leighton's legal adviser for a time<sup>11)</sup>. LAYFIELD is almost certainly the John Layfield who was a Fellow of Trinity College, Cambridge, and rector of St. Clement Danes, London,

from 1601 to 1617, when he died<sup>12)</sup>. The Huntington copy referred to above has a note under his name that he was "D of Deuity". The hand, in which many marginal notes to the main text are also written, is clearly not earlier than the mid-eighteenth century, and could be rather later. There were two well-known ARTHUR HOPTONS at the time, one a diplomat of the Somerset Hoptons, the other the astrologer. They became confused as a result of a note in Anthony Wood's Athenae Oxonienses. It was the diplomat who graduated B.A. from Oxford in 1607<sup>13)</sup>, and the astrologer who was a member of the Middle Temple in 1609<sup>14)</sup>. The astrologer died in the parish of St. Clement Danes in 1614<sup>15)</sup>; the diplomat was still alive in 1638, when he was knighted on 2 February 1637/8<sup>16)</sup>. The dictionary of national biography<sup>17)</sup> states categorically that it was the astrologer who wrote the poem for The tears, though the author of the article gives no reason for the claim. He may well be correct. Hopton described himself as Leighton's "endeared friend and kinsman", which presumably means a family relative. It is known that Leighton's great-grandfather's brother, Edward, married Ann (or Agnes) the daughter of a Thomas Hopton, sometime in the mid-fifteenth century<sup>18)</sup>, though nothing more is specified in any genealogy about this Thomas Hopton. Arthur Hopton, the diplomat, has a clearly defined pedigree, which does not include this Thomas<sup>19)</sup>. There is no known genealogy of the astrologer. A JOHN LEPTON of Kepwick, near Northallerton, Yorkshire, occasionally features in the proceedings of the King's Bench and Chancery Courts<sup>20)</sup>, but it has not been possible to establish a clear connection with Leighton. It has already been stated that BURT's poem appears only in the British Museum copy. Burt is described as 'verbi sacri concionator', but it is not known where or whether he held a living. It was probably he who wrote A nick for neuters, 1604, and The glory of Godly grain, 1607.

The contents of these laudatory poems is naturally flattery of various sorts<sup>21)</sup>. Cooke offered hearty, almost back-slapping praise. Lepton and Dyott made comparisons with Leighton's earlier book of 1603, Vertue triumphant. Their extravagance is almost as great as that of Leighton's address to the reader. It is somewhat comical to find poets (Shakespeare? Donne?) being recommended to use Leighton as their model.

The pronunciation of names from this period cannot be accurately determined. Dowland's name may have had one or more of three possible pronunciations. Leighton's may have had one of two, lɛ'ton or lɛiton<sup>22)</sup>. In both the 1613 and 1614 books there are poems which indicate that it was pronounced lɛiton, and this despite the fact that he gave authority to two spellings, Leighton and Layton<sup>23)</sup>. In the poem In praise of that noble science of musicke, printed on the verso of the title-page of the 1614 book, he wrote:-

What faults you find in verse, or scapes by pen,  
Will: Leight on me, but praise these worthy men.

Dyott wrote:-

Leighton our Authors name from true light floweth

and Layfield:-

Say Well-i-am when griefs Leight on my part.

and Sturtevant in 1614:-

Was euer LIGHT-ON Table set before.....

Whose singing spirit hath Light-on this good knight.

It might be rash to assume from this that leiton was the usual pronunciation. One should note that Layfield was prepared to alter William to Welliam, and no stretching of the imagination could make the latter the usual form. It is quite possible some compromise between the two forms suggested was usual; this is not hard to imagine when one considers the various pronunciations of this name that would come from Cockneys and other people in the English speaking world.

Perhaps the most vital parts of Leighton's public relations effort were the dedication to Prince Charles and the address to the Lord Chancellor. The patronage of the thirteen-year-old heir to the throne and the innocuous nature of the address were sufficient to avert any cynicism. And the tribute to the personification of the law in Leighton's circumstances may be considered rather astute.

It would be easy to scoff at the suggestion that The tears was the outcome of a calculated attempt by Leighton, with or without the encouragement of his friends, to disperse his enemies and renew his place in society. But there is always a motive behind the creation of a book. It cannot be denied that impeccable honesty of purpose and desire solely for the truth of the subject are as rare as the pure unadulterated desire of a politician only to serve his country. If one questions Leighton's work from this standpoint it seems that there is more to it than the superficial impression conveys. Some naivety there may be, and it might be fair to say that Leighton over-dramatized; but there seems no other explanation of what is below the surface than the one given here.

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### iii) The poems

Of 206 quarto pages the poems themselves occupy 189, and are provided with an index which is not quite accurate and complete. The following revised index gives a complete list of the poem headings after Leighton's manner, together with new numbering and the page on which each commences. The poem headings have been shortened where convenient, and Leighton's practice of noting all the pages which each poem occupies dispensed with<sup>24)</sup>. It should be noted that Leighton did not number the poems within the text itself.

Number	Title	Page
1	A prayer unto Almighty God	1
2	A general confession	3
3	A morning meditation	4
4	A evening meditation	9
5	A nosegay gathered in the holy paradise	13
6	A particular confession	17
7	A heavenly hymn touching the nativity	21
8	A prayer in extreme sickness	22
9	Precepts of duties	26
10	An invocation to God	31
11	A Godly meditation	35
12	The second part of the same	38
13	A prayer wherein the distressed humbly confesseth	41
14	The repentant complaineth of his horrid sins	43
15	The repentant flieth to the mercies of God	44
16	The poor suppliant visited with great sins	47
17	A fervent prayer to God	49
18	The first lamentation in distress (in 4 parts)	50
19	The second lamentation in distress (in 4 parts)	59

20	A thanksgiving to God (Psalm 150)	69
21	The third lamentation in distress	71
22	The fourth lamentation in distress	77
23	The fifth lamentation in distress	85
24	The sixth lamentation in distress	90
25	The seventh lamentation in distress	96
26	The eighth lamentation in distress (in 5 parts)	100
27	The ninth lamentation in distress (in 5 parts)	108
28	A petition to God the Father	118
29	Another to God the Son	119
30	Another to God the Holy Ghost	119
31	Divers consolations (See 42)	120
32	Of death	122
33	The cause of death	125
34	Death of two sorts	126
35	To the elect and faithful	127
36	Although the body die, yet they shall live	129
37	The death of the Godly is sleep	131
38	To whom they that die ought to commend their spirit	132
39	The body is buried but shall be raised up again at the last day	133
40	In the pangs of death	134
41	An exhortation to forgive	136
42	Divers consolations (See 31)	139
43	A consolation for them that suffer	140
44	A disputation between the devil and us	143
45	The poor and distressed soul	151
46	The seven penitential psalms	152
47	A mystery to be noted	166
48	Short meditations or jaculatory prayers	169
49	The penitent prayeth for the testimony of a good conscience	175
50	A heavenly hymn of the joys celestial	176
51	A prayer for a good conscience	178
52	The penitent proveth that sin is not of God	180
53	A comfortable hymn	182
54	A prayer against temptations	183
55	An exhortation to praise God (The <u>Te Deum</u> )	187
56	Adam's fall	189

It will be seen from this index that the nine lamentations form the centre-piece of the book, and that round them are placed miscellaneous poems on various subjects. The whole book is an expression of Leighton's personal relationship with his God, and he addresses himself directly to God using the first person singular almost throughout the book. One does, however, find occasional passages which are soliloquies rather than conversations with God or the reader.

Leighton's relationship with his God has various facets. For the most part it is that of a miserable sinner confessing his guilt, or a humbled man admitting his many, serious shortcomings. One also finds a good deal of petitioning for release from responsibility and punishment for his guilt and shortcomings. It is difficult to separate petitions for absolution from actual confessions of guilt, the two being complementary; and so one finds them closely interwoven in many of Leighton's poems. The general confession of sins illustrates this point very clearly<sup>25)</sup>. A slightly different standpoint in this relationship is Leighton's trust in God, which often takes on a child-like naivety. It prompted him to write poems which expressed utter confidence in God's paternal protection and to pray for strength to resist the evil forces of the world, and as examples of these two facets the reader is referred to the opening verses of An evening meditation<sup>26)</sup> and the prayer,

When any sodaine feare assayleth thee<sup>27)</sup>.

There are certain features which, one may assume, reflect aspects of Leighton's personality at this time. Pretentious masochism, self-abasement, self-justification, self-pity and ivory-tower escapism are revealed by one or two passages. There is not an abundance of lines which could be cited as examples, but sufficient to substantiate the acceptance of each characteristic. In the first lamentation we find an example of his masochistic traits<sup>28)</sup>, at verse eleven<sup>29)</sup>:-

Of what I craue or do desire,  
and yet to cry I will not lin:  
Till thou do'st send refining fire,  
and purifie me, from my sinne.

His self-abasement in these lines will no doubt tempt some response from the cynics, if only ribald laughter<sup>30)</sup>:-

thou know'st lord whereof I am made  
I am a simple silly man:  
A worme, a flea, a puffe a shade,  
that no good doe, nor no good can.

In the second lamentation<sup>31)</sup> we find one of those lines in which he tries to justify himself:-

And some take cause, though I none give.

The fifth lamentation<sup>32)</sup> is a good example of his self-pity.

In the address to Prince Charles in the 1614 collection of music<sup>33)</sup> Leighton spoke of the "coldnes of friendes, preuailing malice of enemies, straungness of acquaintaunce" and this is one of the two direct and <sup>critical</sup> references to those who were close to him. The other is in the third lamentation, verses 20-22<sup>34)</sup>:-

My neighbours that should me assist,  
disdaine me, my familiars all:  
That should me comfort, do desist,  
their helpe to raise me from my fall.

They say of me my hopes are vaine,  
my kinsfolkes who should yeeld me ayde  
In my necessities refraine,  
to come to me they are afraid.

And tauntingly they scoffe and say,  
deseruedly, he thus doth suffer:  
Is iust, he wrought his owne decay,  
none other kindeness they me offer.

Apart from the self-pity in these lines, one must consider in what circumstances he would be justified in condemning his family and neighbours. If, as is not unlikely, he was a waster and merely expected his family to give him money to solve his problems, then they could not be criticised for refusing to meet his requests and pointing out to him that he had only himself to blame for his predicament. It is something of an impudence for a man to fritter away his own estate and then expect his family to honour further debts, even if he has been imprisoned because of them. On the other hand this was not an age of enlightenment when people tried to combat those problems which occupy present-day social workers, probation officers, psychiatrists and so on. Nowadays many people quite properly regard alcoholism, prodigality, child-cruelty, wife-beating and other weaknesses as personal maladjustments that can with patience and help be remedied. Leighton's age saw

things in black and white terms; good was good, bad was bad, and precious little lay between these extremes. Good people were good because they were favoured by God and obeyed God's laws; bad people were bad because they forsook God and followed the devil. Good people were nice, acceptable people; but bad people were shunned for fear they might contaminate the rest. In more enlightened times Leighton's problems would have been seen in a shade of grey. If he needed help other than money, then his family had a social and moral obligation to help him, which they appear not to have done<sup>35</sup>). But whatever the truth may be, there can never be any justification for a man's family and friends to "tauntingly scoffe" and say, "deseruedly, he thus doth suffer".

The ivory-tower escapism of these poems is illustrated more by the tenor of the whole than by any particular lines. Here was a man caught in the vice of his own carelessness and misfortune, assailed by his enemies and forsaken by those who should have stood by him. It is a human instinct in such a situation to seek some kind of mental security and spiritual consolation. Leighton found it in his flight to his God<sup>36</sup>), a God who had for him a very real and personal existence. With Dietrich Bonhoeffer, Paul Tillich, the Bishop of Woolwich and others behind us one looks back on Leighton's theology with a mixture of amusement and embarrassment. He leaves us with the distinct impression that God sits "up there" on a starry-white throne, with Jesus sitting on his right hand and the whole choir of angels surrounding them; and that, acting as his own scribe and advised no doubt by Jesus, this kindly old gentleman, who can be very scolding when cross, makes all sorts of notes about us for the day we are called before<sup>him</sup> to account for our lives on earth. Leighton's view of God was more adult than this only in so far as some of the childish imagery is not actually expressed by any words he used.

Escapism is a distinctly romantic quality, though its appearance in the early seventeenth century, which was a romantic period, was not very widespread. It is more commonly found in the literature and music with a literary basis of the nineteenth century. We do however find it in such lute-song texts as Dowland's Flow my tears and other poetry of the time. Leighton's escapism is of a particular kind, motivated by particular circumstances; it flourished because the religious and social currents combined to influence a man with a particular frame of mind and social background who had got into a nasty mess. The fact that this poetry is not very good is irrelevant to the circumstances which influenced its composition. Art can never divest itself of these influences, and one can be endlessly fascinated by that which a variety of circumstances can precipitate.

The poems of The tears are largely long metre paraphrases of biblical texts; some are in other metres. Individual verses rather than longer passages were used as sources of inspiration for a number of lines, in preference to producing a metrical and rhymed version of the original; and Leighton quotes in the margin the verses which provided the source of inspiration. In many cases the connection between Leighton's text and the source is very abstruse, though it is possible that some cases may be put down to printer's errors. For example, the poem entitled A heauenly hymn touching the Natiuitie has marginal references to the Gospels of St. Luke and St. John; the first four verses of the poem seem to have little to do with the Bible texts:-

#### Leighton

Come let vs sing to God with praise,  
our Prophet, Prince, & Priest, alwaies  
And to the sacred holy spirit. and &c.

Oh let vs laude the Trinitie,  
With heart and voyce them magnifie,  
For Christ who made vs life inherit. &c.

Giue thanks to God with ioy & mirth  
For his sweete sonne, our Sauours birth,  
Of all mankind the comfort true.

He is the guiltles lambe alas,  
Whose death & passion brought to passe  
Faith hope, and blisse, with spirit anew.

#### Authorized version

I John, v, 7-8: For there are three that bear record in heaven, the Father, the Word, and the Holy Ghost; and these three are one. And there are three that bear witness in earth, the spirit, and the water, and the blood; and these three agree in one.

Luke 2, 13-15: And suddenly there was with the angel..... Glory to God in the highest..... And.....the shepherds said one to another Let us now go enev unto Bethlehem.

John 1, 29: The next day John seeth Jesus coming unto him, and saith, Behold the Lamb of God, which taketh away the sin of the world.

There seem to be only two close paraphrases of larger passages; one of the Te Deum and one of the general confession used in Morning and Evening Prayer in the Anglican Church<sup>37)</sup>. These are metrical and rhymed versions of the originals, preserving all the ideas, but using a different vocabulary. They are not characterized by any special merit.

Leighton was not a good poet; to be more accurate he was a bad one, and The tears is much worse than his earlier volume, Vertue triumphant.....1603. Where he did manage to write lines which scanned and flowed along there is the monotonous rhythm of the iambic tetrameter. He showed no ability to build into his poetry the kind of varied rhythm on which it depends so much; to infuse into it interesting ideas; and thereby to create poetry that one would be persuaded to read a second time. The tears adopts a posture that was common at the time, and examples are to be found of poets writing on religious and semi-religious subjects; William Hunnis's Seven sobs of a sorrowful soul for sin, 1583, is an example of one with a similar title to Leighton's. But one would no more attempt a comparison of Leighton's poetry and any other's, than one would attempt a comparison of the styles and techniques of a professional performer and a pump-room pianist; each may have his virtues and characteristics, but one would not put them side by side. Outside the context of Leighton's personal plight one would not give this poetry a second glance. Yet in its context we have a very personal document, which is an intimate reflection of a man who was rather unwise and very unfortunate; a man who appears to have been somewhat eccentric; a man who tried, but didn't quite succeed; a man, who for all his faults arouses one's feelings of compassion.

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## CHAPTER V

i) Printing history of the 1614 book

As he promised in the 1613 book of poems<sup>1)</sup> Leighton did "divulge very speedely in print, some sweete Musically Ayres and Tunable Accents". In fact they appeared in the following year, 1614, and proved to be a collection of fifty-five pieces<sup>2)</sup> written by twenty-one composers, including Leighton, and using the poems of 1613 as texts. There are eighteen for four voices with broken consort, twelve for four voices, and twenty-five for five voices. However socially estranged he was, and he implied in the address to Prince Charles that this was quite severe, the list of composers demonstrates a remarkable feat in bringing together under a single title-page one of the most impressive groups, if not the most impressive, that can be found in all musical history. The only composers of note living in England at the time who were not included seem to be Campian and Rosseter. This is in contrast to Morley's Triumphs of Oriana, from which Byrd, Dowland, Ferrabosco, Coperario, Campian and Rosseter were all excluded. The fact that he persuaded all his contributors, except the mysterious Timolphus Thopul, to write at least two pieces adds to the impressiveness<sup>3)</sup>. Further, there are no fewer than thirteen laudatory poems, seven of which had appeared in 1613. All this illustrates both a skilful piece of organization and a substantial body of sympathy for him.

The original copy was printed by William Stansby, who did not enter it with the Stationers Company. The conclusion one draws from reading the Records of the Court of the Stationers Company for the period 1602-40<sup>4)</sup> is that Stansby was a rough diamond and a natural rebel against the establishment of the Company, since his relations with the members and especially the officials were not always cordial. Though a liveryman and in 1625 a stockkeeper for the English Stock he never achieved any higher office.

He was fined on numerous occasions for one misdemeanour or another. On 5 November 1610 it was three shillings "for vsing vndecent language to John Hardy thofficer of the Companie"<sup>5)</sup>. Again on 7 August 1620 his bad language among other things got him into serious trouble. He was sent to prison and fined forty shillings "for printing a booke of m<sup>r</sup> Lidiate w<sup>th</sup> out entrance & obstinately refusing to come to the wardens & for vsing vnfitting speaches"<sup>6)</sup>. Court Book C carries the entry for 4 December of that year, "It is ordered that w<sup>m</sup> Stansby shall bring his fine of 40<sup>s</sup> vpon the 2<sup>d</sup> monday in the next moneth"<sup>7)</sup>. He failed to do so, and the Book of Fines does not record payment until nearly four years later, on 1 September 1624, when, after being pardoned, he paid only 3s : 4d. of the original forty shillings<sup>8)</sup>. But the real affray came later, and nearly brought Stansby to what might have been ruin. On 30 June 1627 the Company went so far as to sequester his share of the English Stock, a very heavy penalty, and banned him from the Hall. "It is ordered that mr Stansby for iniurious and reproachfull wordes vsed against our mr openly in the hall....."<sup>9)</sup>. This was commuted on 3 October to a fine of twenty shillings provided Master Norton was prepared to accept an apology<sup>10)</sup>. On 19 November Court Book C records the fine as paid, but that "the board gave him backe againe x<sup>s</sup> ex gra"<sup>11)</sup>, which conflicts slightly with an appendage to the entry in the Book of Fines on 3 October, which states, "he afterwarde paid x<sup>s</sup> and it was accepted of"<sup>12)</sup>.

Stansby was fined several times from printing other peoples' books and for not entering his own, matters about which the Company tried to be very strict. Certainly during the years 1611-14 he entered his books less and less often, until in 1614 he entered only one of the fifteen he is known to have printed, Adam Reuter's Delineatio consilii<sup>13)</sup>. On 5 July 1614 he was fined ten shillings "for printing a booke w<sup>th</sup> out entrance"<sup>14)</sup>, but whether this is Leighton's Tears cannot be ascertained.

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Like the lute-song books of the period the original was printed on a double folio, the parts facing outwards. The lute, cittern and bandora parts were fitted with the cantus, altus and tenor respectively. In this format it confirms the impression gained from the use of the broken consort and from the note following Sturtevant's poems<sup>15)</sup> that Leighton intended these pieces for domestic rather than liturgical use.

In requesting that someone should read additional verses from the 1613 book to others in the company, and giving a page reference to that book at the foot of most pieces in the 1614 book he was obviously addressing himself to a domestic circle. The declaration on the verso of the title-page of the 1613 book conveys the same impression<sup>16)</sup>.

The choice of the double folio as the format raises one or two interesting points,<sup>17)</sup> which the most obvious arises from the consort songs. Leighton's final note to the original<sup>17)</sup> specifically states that they may be sung "eyther for voyces, consort, or both.....". If all the singers and instrumentalists provided for took part, at least ten people would have to gather round one copy, since no one would possess or be expected to possess more than one. Ten people round a copy of Leighton's Tears would be very cramped, and this does not take into account the difficulties of reading the size of print of the original tablatures or of contemporary methods of lighting. So one must consider how, if at all, these pieces were performed.

Alec Harman provides some interesting suggestions<sup>18)</sup>. "Most of the mediaeval and Renaissance manuscripts and sixteenth century printed music that have come down to us do not show the wear and tear of frequent use. Performers then, as now, must have made corrections or additions, or left finger-marks etc., but these are hardly ever to be found on the copies that have survived. This leads one to suspect that these were either presentation copies or made for reference only, the ones actually used in performance always being in manuscript, which were thrown away when they became too dirty or tattered, and fresh copies made. Furthermore, it is likely that the practice of copying each part on to separate pieces of parchment or paper was fairly common, for this would make it unnecessary for the whole choir to cluster round a single copy on which all the parts were written."

Harman's argument, whilst a generalization covering four centuries, is a good one up to a point. Its weakness is in the phrase "the copies actually used in performance always being in manuscript". It may be true that mediaeval music preserved in folios was copied in manuscript for performance, but this is probably not always true of sixteenth century and early seventeenth century printed music. A printer would normally have to make at least fifty or a hundred copies to make the project worth his while, and in the case of Dowland's Second book of ayres it is known that one thousand were printed<sup>19)</sup>. If Harman's point were wholly correct in respect of the printed music, one would have to explain why so few printed copies of each work produced at this time, (including Leighton's Tears), remain to us. Whilst the practice of copying manuscripts for private use still flourished after the sixteenth century, it is not unreasonable to assume that the original copies of books that have not survived deteriorated mainly through use.

We may conclude that no group ever performed the consort songs in full from the copy printed by Stansby, in view of its format, and that the copies that have not survived deteriorated through use in performing the consort songs with only part of the forces provided for, and in performing the unaccompanied pieces. It may be that The tears were copied into part-books for the private use of individuals, since several contemporary manuscripts that could have belonged to sets of parts do remain to us<sup>20)</sup>. Since we have no indication of the popularity of The tears, such as we have of, say, Dowland's Lachrimae, speculation on how much copying of The tears might have been done becomes pointless.

In considering these points it may be noted that music was printed in both part-books and double folio at this date; for example, Allison's Psalms of David in metre, 1599, were printed in the double folio format and provide for six performers, whereas Morley's and Rosseter's consort lessons, requiring the same instrumental forces as The tears, were printed in part-books.

## ii) Preliminary material

The preliminary material comprises, in the following order, a poem by Leighton printed on the verso of the title-page, entitled, In praise of that noble science of music, an address of dedication to Prince Charles, the poem addressed to the reader previously printed in the 1613 book, and thirteen laudatory poems.

At the end of the poem In praise of that noble science of music there is the couplet:-

Let this graue Musicke giue your eares content  
Sith Musickes art is drawne from this concert.



This couplet also appears at the end of the poem Leighton contributed to Allison's Psalms:-

William Leighton Esq. in praise of the Author

Goe silly Muse, and doe my loue present  
to Musickes praise the Author of this worke:  
Plead his desert tha(t) is so excellent,  
in whose swete notes so secrete skil doth lurke:  
Let all that loues this Siience so Diuine,  
afford him grace that haps this worke to see:  
Whose eares may iudge what Concord can combine  
by Musicks arte, consists in notes but three,  
Conicinde in parts with true concert of art,  
as may appeare by euery Close contriude,  
How concords three containeth euery part  
within this booke, from whence notes are deriude:  
Admire his skill: let God haue laude and praise,  
whose holy words these swete Consorts doe raise.

Let this graue Musick giue your eares content  
Sith Musickes art is drawn from this concert.



Leighton here recognized the triad as the basis of harmony. Presumably he did not write what he did in both these poems and place the three notes on adjacent lines without being conscious of what he was doing. In the poem In praise of that noble science of music he extended the idea of music being derived from three notes into a metaphor on the Holy Trinity. Also in this poem he wrote this very abstruse phrase which defies any sort of explanation:- "As from one Minum Musicke takes her name".

The address to Prince Charles contains only one point of importance, which is left over until Sturtevant is discussed. As a symbolic elaboration of this dedication a vignette was produced for the recto and verso of the title-page and for the final page. As will be seen from the photographs forming Volume IV it is a circular stave surrounded by the names of all the composers involved, except Thomas Weelkes's, which is printed at the foot of the copy on the verso of the title-page. The arms are those of the prince; the rose of England, the thistle of Scotland and the fleur-de-lis of the Prince of Wales are perfectly clear. The circular stave, together with the portion of stave in the middle contains an infinite wordless canon, a score of which can be found on page 2 of this edition<sup>21)</sup>.

The six laudatory poems printed in addition to those from the 1613 book, which have already been discussed in the previous chapter, were written by I.D., John Parry, John Moray, Charles Best and Simon Sturtevant, who contributed<sup>two</sup> I.D. has not been identified, though a point about this is raised below. PARRY is almost certainly the John Parry of Poston, Herefordshire, who married Leighton's sister, Mary<sup>22)</sup>, and who was co-defendant with Leighton in the action brought by William Wingham in the King's Bench<sup>23)</sup>. A JOHN MOORIE, who obtained a B.A. from Merton College, Oxford, is the only person known to have this name who is likely to fulfil the role<sup>24)</sup>. BEST identified himself as Leighton's cousin, the connection probably being through Leighton's great-grandfather's sister, Rose, who married William Beist of Atcham, Shropshire, in the late fifteenth century<sup>25)</sup>. Best contributed verses to various editions of Francis Davidson's Poetical Rhapsody, 1602-21, and was a member of the Middle Temple. The details seem to have been adequately set out by G. C. Moore Smith<sup>26)</sup>. In his edition of Poetical Rhapsody<sup>27)</sup> Hyder Edward Rollins claimed that Bullen<sup>28)</sup> and Smith were inaccurate in stating that Best contributed to Leighton's Tears; but he confused himself by referring to the 1613 book, to which Best did not contribute, when Bullen and Smith were both clearly referring to the one of 1614. STURTEVANT is described as 'diuini verbi concionator kai συνδραστης'. There were two men who fulfil this description. One was rector of Hemingly in Lincolnshire from 1593 to 1597; the other was ordained on 13 March 1604, and instituted to the living of Compton Martin, Somerset, on the same day. At a visitation of Compton Martin in 1612 there were complaints that the church and parsonage were in disrepair, that the congregation had not been having monthly sermons, and that Sturtevant had been absent for two or

three years. It is probably for these reasons that he was deprived in the following year<sup>29)</sup>.

*συνδεσμος* has proved a puzzle. Its basic meaning is 'bond'. A possible interpretation of its use here is that Sturtevant regarded himself as one who bound people together socially by his preaching, an important part of a preacher's work at the time, and its position in the construction lends support to this view. But the description is a little extravagant and is not a literal interpretation of the Greek word. However, Leighton wrote at the end of the address to Prince Charles, "I haue then already attained to the height of my ambition, and hearty desire, and to the party thereof: I oblige my selfe to the end of my life, as duty bindeth". Who this party was is not known, and it is unfortunate that Leighton did not identify him. If *συνδεσμος* were an indication that Sturtevant was the person to whom Leighton felt bound, it would still not be an accurate interpretation of the word.

The poems by these five men are, like those of 1613, flattery of one form or another. There is no internal evidence to establish the authorship of I.D.'s poem; two names spring immediately to mind, Donne and Dowland. There is a certain triteness about it which seems to rule out Donne, though there can be no certainty about it. Dowland is known to have written poetry, and while there is no specific reason to ascribe it to him, his name cannot be ruled out. There are three curious lines in it:-

To whom be added thy deuotest Muse,  
Who while she soundes her great Creators prayse,  
Doth her own fame next his high glory raise.

At first one wonders who the lady is. It is difficult to imagine the presence of one of the possible feminine Muses, Euterpe, Thalia, Terpsichore or Polyhymnia<sup>30)</sup>, though poetic obscurity can make anything possible. If the Muse is Leighton, as one would expect at this point, then barbed wit has been taken to the point of rudeness, and it is odd Leighton did not censor it. The poem also contains the Italian proverb:-

Who loues not Musicke and the heauenly Muse  
That man God hates.....

The poems by Parry, Moray and Best require no special comment.

Sturtevant's two poems are A Dodecaedron of the sixe Musical Notes, in imitation of DAVIDS Alphabetical Psalmes and A Dodecaedron of the three worthy Psalmists. In the former the six notes of the hexachord are used as a form of acrostic, the poem being repeated in reverse. The three worthy psalmists are, according to Sturtevant, David, Cedmon<sup>31)</sup> and Leighton. Sturtevant asked if there was a poet to equal Leighton since Cedmon; wisely, he left the question unanswered.

### iii) The choice of poems as texts for the music

Not all the poems of 1613 were used in 1614. Of those that were chosen only one verse of each was underlayed; in a few cases, anything up to six more verses were printed in a block under one or more of the parts. The additional verses have been omitted from this edition for reasons of space, and a note of them made in the Critical Commentary. The verse underlayed is not necessarily the first of the poem; for example, numbers 6, 14, 15 and 23<sup>32)</sup> have underlayed verses 1, 19, 2 and 13 respectively of the poem entitled A nosegay gathered in the holy paradise<sup>33)</sup>.

A survey of the poems used in 1614 and the order in which they appear in relation to their order in 1613 was carried out, but it revealed little of significance. All but one of the poems preceding the nine lamentations were used; about two-thirds of the lamentations themselves were used; and very little was taken from the remaining miscellaneous poems. Nor does the ordering of the pieces within each group reveal anything. Probably

they were placed in the order in which Leighton received them from the composers.

How words were allocated to each composer is not known. Leighton may have tried to allocate certain poems, or he may have allowed each composer to make his own choice. Whatever method was adopted, there are five examples of duplication in choice of texts. Leighton and Ferrabosco both set In Thee O Lord I put my trust, numbers 4 and 29; Leighton and Ford both set Almighty God which hast me brought, numbers 6 and 12; Gibbons and Coperario both set O Lord how do my woes increase, numbers 24 and 40; Ferrabosco and Thopul both set O Lord come pity, numbers 32 and 54; and Bull gave two settings of Attend unto my tears, number 17 and 33.

Minor alterations were made to a number of poems when set to music; whether by Leighton or the composers is impossible to say, though one should note that the poem headed Divers consolations has two versions in the 1613 book<sup>34)</sup>. It is not proposed to give a detailed list of these amendments, but two examples will make the matter clear. First the poem most radically altered is that set by Ferrabosco and Thopul. Ferrabosco set Leighton's text as it appeared in 1613, underlaying the first verse and setting out the rest in a block below each of the Cantus one, two, three and four. Thopul wrote a through-composed piece clearly based on the first two verses of the text set by Ferrabosco<sup>35)</sup>:-

Ferrabosco

O Lord come pity my distress,  
See how I sigh and groan:  
With tears and floods of heaviness  
My heart is overthrown.

No hope I find, no help I feel,  
No cure nor salve I see:  
None can my sins corruptions heal  
Sweet Jesus comfort me.

Thopul

O Lord come pity my complaint,  
See how I weep and mourn:  
With sighs and groans and sickness faint,  
My hope is quite forlorn.

No health I have, no help I find,  
No care of kin I see:  
No ease of body soul or mind,  
Sweet Jesus pity me.

Second, number 39, reading "Then let me at Thy footstool fall" in 1613, was amended in 1614, purely on grounds of context, to "O let me at Thy footstool fall".

Finally in connection with this section, it must be noted that the poems set as numbers 47, 51 and 53 do not seem to be based on any lines in the 1613 book. There is no indication of authorship, nor do they have the characteristics of Leighton's poetry.

iv) The music

In describing the various kinds of music in vogue in his day Thomas Morley divided all vocal music into two kinds, grave and light. "I say that all music for voices.....is made either for a ditty or without a ditty. If it be with a ditty it is either grave or light...."<sup>36)</sup> Leighton seemed certain that his own collection and Allison's Psalms would be classed as grave music in view of the couplet he used in both these books, referred to above<sup>37)</sup>. Morley classified all grave vocal music under the name motet: "This much for Motets, under which I comprehend all grave and sober music"<sup>38)</sup>. But one could not take the next logical step and classify all The tears as motets, since a number do not fulfil Morley's interpretation of that word. Morley wrote, "A Motet is properly a song made for the church, either upon some hymn or anthem or such like .....This kind of all others which are made on a ditty requireth most art and moveth and causeth most strange effects in the hearer.....If you compose in this kind you must cause your harmony to carry a majesty, taking discords and bindings so often as you can....."<sup>39)</sup>. Quite apart from the fact that Leighton did not direct these pieces to the church, there are a substantial number of them which cannot be said to contain much art (i.e. skill), or cause most strange effects in the hearer, or have majestic harmony which often uses discords and bindings (i.e. suspensions). And one assumes that the whole range of contrapuntal devices so fully discussed in the second and third parts of Morley's book is covered by the phrase "requireth

most art". So Morley's interpretation would seem to exclude from the category of motet all the consort pieces and a number of others in which contrapuntal devices have very little role to play, and in which chordal texture and simplicity of rhythm predominate. One often regrets that Morley did not go more fully into musical forms; he omitted variation form completely and did not tackle the question of 'doubles' in instrumental dances, which he certainly must have known about. If Morley had made some mention of the various degrees and types of grave music, and applied whatever terminology he understood, as he did with the light music of madrigals, canzonets, etc., we would have had an authoritative basis for classifying The tears, and would not be left with a certain confusion which exists among commentators.

Fellowes was not sure what to call them, since the pieces by Byrd and Gibbons he described as anthems<sup>40)</sup>, those by Milton and Wilbye as motets<sup>41)</sup> and the whole as a "collection of metrical Psalms and hymns"<sup>42)</sup>. Harman wrongly described the whole collection as a Psalter<sup>43)</sup>, but drew a distinction between the through-composed pieces, which he called anthems, and the short strophic pieces, which he called psalm-settings. He pointed out that the anthems select "only certain verses of the psalm", but that the others had "every verse repeated to the same music". This almost certainly reflects the composer's intentions; though not Leighton's. Leighton intended that every piece would use other verses, repeating the music as required. Childs's use of the term madrigal<sup>44)</sup> is completely unacceptable, and one wonders why he included Leighton's collection in a dissertation on English madrigal poetry. By Leighton's definition, and supported<sup>partly</sup> by Morley's, this is not light music, and very little of it could be described as madrigalian. M. C. Boyd was content to call the whole a "collection of metrical paraphrases and hymns"<sup>45)</sup>.

There is a wide range of style and technique throughout the collection. At one end of the scale there are those pieces based on a symmetrical cantus tune with largely a note to a syllable, harmonized with chords and only a few passing notes and suspensions. They have a squareness of phrase which conveys the impression of the psalm-tune, yet they are on a slightly more developed plane than the psalm-tunes of such psalters as Damon's, 1591, Este's, 1592, and Ravenscroft's, 1621. Thirteen pieces have simple characteristics, numbers 1-8, 11, 13-15, 33 and 42. Leighton's own, numbers 1-8 are all within the very restricted field of the enlarged psalm-tune, but they show his competence in handling harmony, melody and the balance of parts. He was little more than a tolerable amateur, but the charm of these pieces and the way in which he captured the emotional content of the words, as will best be seen in numbers 1, 2 and 7, make one feel he was musically sensitive.

The simplicity of the two pieces, numbers 15 and 42, by Nathaniel Giles, who was at various times organist of St. Paul's Cathedral, St. George's, Windsor, and master of the children and gentleman of the Chapel Royal, puts them very close to the category of the psalm-tune. Much the same applies to Robert Johnson's Yield unto God, number 11. For all its simplicity this piece has a certain magnificence associated with Psalm 150, of which it is a paraphrase setting, achieved by expanding the compass of the choir to a wide range. Kindersley's piece does not require special comment, but it may be noted here that he was a "musician for the consort" at the court until 28 March 1633, when he was succeeded by Robert Tomkins, a half brother of the famous Thomas<sup>46)</sup>.

At the other end of the scale we find pieces which, due to the shortness of the texts, are not quite as long as some English anthems by the composers involved here, but which nevertheless are technically and musically well-developed. Whilst it must be made clear that it is not the writer's intention to make a rigid classification of the simple, less simple, more complex and complex types of piece, one may list within the last of these groups numbers 31, 34, 39, 40, 47, 50 and 51-4. Those devices of vocal composition necessarily absent from the simple pieces are brought into full use here. We do not find persistent regular phrases or much homophonic texture. Instead there is freedom of phrase structure; ideas and points of imitation grow out of previous sections; each part vies with the rest, rather than giving pride of place to a cantus tune; words are largely displaced; scope for modulation is exploited; thus, within the limits of the style, there is drama. We also find an imaginative treatment of the words in an attempt to capture their spirit. Milton, in the last twelve bars of O Lord behold my miseries, number 34, creates excitement to convey "my wits with torments tear" by having all the parts take the same figure in quick succession. Jones, in Lament my soul, cry, O cry, number 47, and Milton, in If that a sinner's sighs, number 51, exploit the word 'pity', and Kindersley, in Judge them O Lord, number 52, the word 'persecute', with appropriate musical ideas. And throughout there is the attempt to match words and music as one would expect, and which these composers

were capable of achieving.

Peerson's O let me at Thy footstool fall, number 39, is rather madrigalian, the general character of the whole being much lighter than the rest of the pieces; the sections are shorter, especially at the beginning, and they have the clear cadence points more common in lighter madrigals than in anthems.

Coperario's O Lord how do my woes increase, number 40, seems to have been strongly under the influence of his style of writing for viols. Long-note figures are hardly separable into vocal and instrumental styles, but many short-note figures are easily separable. From bar 21 this is very instrumental and might have been more effective had it been written for viols.

It is the view of all editions of Grove's Dictionary that Timolphus Thopul, composer of number 54, is a pseudonym, to which Fellowes added the suggestion in the third edition, 1927, that it is in fact Th. Lupo, whether Thomas or Theophil he didn't specify. But since a Thomas Lupo contributed numbers 21 and 38 under his own name, and since the spelling in the title-page vignette is Topal, Fellowes's view is unlikely to be correct. Nor is there sufficient reason to doubt the authenticity of Timolphus Thopul, Thopull or Topal. The dictionaries of surnames and various biographies have no record of the name in this form, but the form Topple is not unknown. An Elin Tople was baptized at St. Mary Aldermanbury, London, on 19 March 1710,<sup>47)</sup> and a Katherine Topple was buried at St. Benet, Paul's Wharf, London, on 20 July 1702<sup>48)</sup>, these being the only records of Topple in the available printed parish registers. This is thought to be a local name derived from Topcliffe in the North Riding of Yorkshire, and means "one who lives at the top of the hill"<sup>49)</sup>. If a Yorkshireman really understood it this way, it is very likely, almost certain, he would pronounce it Thopul or Topal, the pronunciation of the first consonant being neither 't' nor 'th', but something between them, and the second vowel being a neutral. It might be a wild flight of the imagination to expect some connection between Timolphus Thopul and Leighton's acquaintance, Richard Topcliffe; but the above explanation might not rule it out. The weakness in all this is that O Lord come pity, number 54, is a good composition. Even if he were not a prolific composer, Leighton must have known other work by him, or met him in some musical circle or other. Yet this man is completely unknown outside The tears.

Among the majority of pieces one finds a variety of styles and textures, which are fairly evenly distributed between the extremes just defined. Some, such as Dowland's An heart that's broken, number 9, and Milton's Thou God of might, number 10, are only slightly more developed than the simple pieces discussed above. Others, such as Byrd's Look down O Lord, number 19, and Be unto me a tower of strength, number 30, and Pilkington's High mighty God of righteousness, number 35, do not have quite the length and fullness of the largest pieces. This is not intended to reflect on their quality; throughout the collection one finds that quality is not in direct relationship to size or scale.

Gibbon's O Lord how do my woes increase, number 24, begins with simple homophonic texture, and continues with the kind of imitative points that do not allow the scale to expand very far. It is a short piece, whose character is very uniform throughout, and is typical of the short unaccompanied anthems of the period. In contrast Weelkes's Most mighty and all knowing Lord, number 25, is somewhat instrumental. The original has the first verse underlayed only with the altus part, the others having text incipits. The altus part is very characteristic of the cantus tunes of the simple pieces, but the cantus, tenor and bassus parts have an instrumental character. One cannot agree with the editors of the collected anthems of Weelkes<sup>50)</sup> that this should have been placed with the consort pieces; but the internal evidence does seem to point to Weelkes intending it to be performed by one voice and three instruments, probably viols; and this despite the fact that verses 1-4 are placed in blocks below the cantus, tenor and bassus parts. As a final example of the variety in these pieces one might consider Let Thy salvation be my joy, number 22, in which Robert Jones achieves great vitality from imitative and contrapuntal ideas.

#### v) Miscellaneous matters

a) The TABLE OF CONTENTS of the original<sup>51)</sup> does not quite correspond to the text itself. Number 8, the last of the group by Leighton, was printed after number 9, this being at variance with the Table; these have

been reordered in this edition. Number 18 was printed at the end of the Songs of 4 parts for Voyces and not listed in the Table; in view of its being a consort song, it has been transferred to that group in this edition. Number 42 was printed in the place it occupies here, but was not listed in the Table. After these minor points had been attended to, it was decided for convenience to number the whole collection consecutively, in preference to the separate numbering of each group as in the original<sup>52)</sup>.

b) The BROKEN CONSORT was used for the first eighteen pieces. This was a peculiarly English medium and comprised lute, cittern, bandora<sup>53)</sup>, treble viol, flute and bass viol. It held a place in English musical life comparable to the string quartet in European musical life two centuries later, and there are numerous references to it in literature, public and private records and in manuscript and published music to show its importance. In addition to this standard form the instruments involved appeared individually in contemporary publications and were frequently listed in inventories of household effects. After the 'invention' of the bandora in 1562 the plucked and bowed strings began to join together in combination. Directions for the use of a "doleful and straunge noyse of violles, Cythren, Bandurion and such like" before the first act of George Gascoigne's Jocasta, first performed at Gray's Inn in 1566, is one of the earliest recorded occasions.

Accounts of the Queen's visits to Kenilworth in 1575<sup>54)</sup>, to Norwich in 1578<sup>55)</sup> and to Elvetham in 1591<sup>56)</sup> all refer to the broken consort of six players, and show that this combination was quick to develop and stabilize. The six musicians from the Earl of Leicester's company listed in the Danish court records for 1586 almost certainly played as a consort of this kind<sup>57)</sup>. These and others who visited the Continent made a considerable impression. Besard<sup>58)</sup> and Praetorius<sup>59)</sup> were both prompted to write enthusiastically of it as a peculiarly English medium. There are many references in Shakespeare and other dramatists to 'broken music' and the 'sweet consort'. It raised controversy when Stephen Gosson attacked it on moral grounds<sup>60)</sup> and Thomas Lodge defended it on artistic grounds<sup>61)</sup>. There is the well-known painting in the National Portrait Gallery of Sir Henry Unton's wedding feast, in which the broken consort occupies a prominent place<sup>62)</sup>. All these factors show the broken consort as more important than was realized until recently<sup>63)</sup>.

It is natural that in directing The tears to the domestic arena Leighton should have made full use of its facilities, and no doubt the facilities of the court, by writing some pieces for voices and consort. In doing so he may have been influenced by Richard Allison's Psalms, in which Allison directed the pieces "to be sung and played upon the Lute, Orpharion, Cittern or bass viol, severally or altogether, the singing part to be either Tenor or Treble to the instrument, according to the nature of the voice, or for four voices.....". He did not go as far as Leighton in suggesting that the consort might play alone or that all the voices and consort might perform together. Nevertheless there is a precedent here for The tears, and one with which Leighton was certainly acquainted, since he wrote the poem for it quoted above,

Nowhere did Allison or Leighton write highly ornate lute parts as did Morley in his consort lessons——it would hardly be appropriate. In Leighton's work the lute and bandora parts tend to be a little less simple than the chordal cittern part, aiming at a slight decoration of the voice parts here and there. The treble viol, flute and bass viol double the cantus, altus and bassus respectively.

c) "The problem of TRANSPOSITION of sixteenth century polyphony to suit modern needs is one which must exercise the minds and consciences of editors and choirmasters whose aim is to ensure truthful performances of the music"<sup>64)</sup>. Until fairly recently this has always been done somewhat arbitrarily, each editor either assigning the original parts to whatever voices he thought best able to deal with them, or transposing the whole until a satisfactory compass was obtained. To a large extent this is still the case. In most cases the importance of the countertenor was and is deliberately discounted. In bringing to the fore the theory of chiavette transposition the late H. K. Andrews has provoked much thought and private discussion, and has prompted some editors to seek a more rational basis for transposition than existed hitherto. It is an attractive theory, but, as Dr. Andrews admitted, is not complete, due to the lack of evidence from original sources, some of which may be irretrievably lost.

The point of it is that certain clef combinations indicate that the music should be transposed in performance. There are some conflicting arguments, which Dr. Andrews set out in the article referred to, but the theory can be reduced to essentials for the present purpose:— if the cantus and bassus parts of a piece

in at least four parts have the clef combination  and  then the music must be read a perfect fourth lower; and if  and  then a perfect fifth lower. This is known as chiavette or chiavi trasportati. In all other clef combinations no transposition is required, chiavi naturali. After this has been done, correction must be made in modern editions for the difference in pitch between the sixteenth and twentieth centuries; and it is in this difference that the difficulties arise.

It is known from a note on the organ book of Tomkin's Musica Deo sacra, 1668<sup>65)</sup>, that sixteenth and seventeenth century pitch was slightly less than a minor third higher than ours<sup>66)</sup>; it is also known that the Halberstadt Cathedral organ had a similar pitch in 1495<sup>67)</sup>. It seems reasonable to assume that it remained fairly constant in the intervening century and a half. If one therefore proceeds to transpose all the vocal music down either a fourth or fifth according to the chiavette theory, then to correct the pitch, or simply to correct the pitch if chiavi naturali, then certain things seem to emerge: i) A substantial, though not major, portion of vocal music, both sacred and secular, uses chiavette clefs, and in only a small part of that (the vast majority of which is secular) is the theory invalid; ii) A substantial, though not major, portion of secular music uses chiavette clefs, in most of which the theory is valid; iii) Most, though not all, sacred music having chiavi naturali requires transposition up a minor third for pitch correction; iv) Most, though not all, secular music having chiavi naturali will not bear transposition, and that which will does not require it.

E. H. Fellowes<sup>68)</sup> and others have concluded that there were two vocal pitch standards in use, one approximately a minor third higher than the other<sup>69)</sup>. But one cannot agree with their separation into sacred and secular pitches, the former being the higher one, the latter being about the same as ours, since secular music which uses chiavette clefs obviously requires the higher pitch, and sacred music which does not require transposition requires the lower pitch. But neither can one say, "Chiavette music takes the higher pitch, chiavi naturali the lower pitch", in view of the contradiction, and even though the well-known curious passage in Morley's Plain and easy introduction to practical music, 1597, conveys that impression<sup>70)</sup>.

Morley wrote about 'high key' and 'low key'. His high key used the first of the two chiavette clef combinations given above, his low key one of the possible chiavi naturali combinations. He pointed out that "the high and low keys come both to one pitch (or compass)"<sup>71)</sup>, as if meaning that after chiavette transposition the compass of all pieces would be about the same, which is what one might expect. Clearly this does not account for the minority of pieces both sacred and secular which do not conform to the theory.

The explanation of the inconsistencies may lie in the fact that the sixteenth and earlier centuries had shrouded notation in a professional mystique, and this was one of the many shrouds. These practices were fast disappearing at the turn of the century, but not fast enough to avoid the period when old and new appear side by side. Morley was expounding theory, which is usually many years behind actual practice.

We must now turn to the application of the chiavette theory to Leighton's Tears. Thirteen pieces have chiavette clefs<sup>72)</sup>, and in each case transposition is required according to the theory. In the remaining forty-two transposition is not necessary. This would seem to indicate that two pitch standards were being observed, the higher one for the chiavette pieces.

Of the thirteen referred to, those without instrumental parts are perfectly normal and nothing further need be said. But numbers 3, 4, 5 and 10 require some comment in relation to the rest of the consort pieces. When sung without instruments these four observe the theory; the rest do not transpose and all is well. The problem arises when one introduces the instruments. It is generally held that certain instruments, lutes, viols and virginals, normally used a pitch about a minor third lower than ours. If this is so, then numbers 3, 4, 5 and 10 would work perfectly when performed in full, but the rest would not, since the instruments would pitch their compass too low for the voices. If the lutes and viols were tuned up to the lower vocal pitch then the reverse would apply; numbers 3, 4, 5 and 10 would be pitched too high, the rest being satisfactory. An easy solution to the problem is to use a capotasto on each of the plucked and bowed strings for numbers 1, 2, 6-9 and 11-18, and not use one for numbers 3, 4, 5 and 10.

Some adjustment along this line was obviously essential, and the matter is easily dealt with in the case

of the stringed instruments. The flute can not be adjusted in this sort of way, nor can any flute, and it is puzzling how this problem was overcome, if at all. Maybe different sizes of flute in this range existed, about which commentators are singularly silent. On this matter one would value a set of contemporary manuscript parts.

These observations are put forward, not with a view to drawing an immediate conclusion, but as some addition to the evidence that is accumulating about transposition at this time.

d) Leighton gave two INSTRUCTIONS FOR PERFORMANCE, which are to be found on pages 11 and 91 of this edition. First, that, although only the first verse is underlayed, some member of the company should read other verses from the 1613 book of poems. In some cases the original poem has over thirty verses<sup>73)</sup>, and in one case over forty<sup>74)</sup>. One would not in any of these cases perform every verse, and it is unlikely that Leighton expected people to go quite that far. Second, "All the Psalms, consisting of so many feet as the 51st<sup>75)</sup> are to be sung eyther for voyces, consort, or both.....leauing out a Semibriefe (minim in this edition) in euery second line". That they can be sung unaccompanied or accompanied, or played alone by instruments is clear enough. It is also perfectly obvious that poetry of any kind with the same metre will fit the music, technically if not stylistically. But quite what Leighton meant by "leauing out a Semibriefe in euery second line" is far from clear. No matter how one tries to omit notes, or even add rests, with long metre or any other, nothing satisfactory can be worked out. In fact it seems musically undesirable to do anything of the kind in any of the pieces.

It is most desirable that the original be reproduced as closely as possible. The manufacture of original instruments which has gone on during this century has made this more possible, though citterns and bandoras may not be easily acquired. In this edition the countertenor parts have been written for alto or tenor, whichever is more appropriate; but it must be emphasised that the parts should be sung by a countertenor when possible.

In substituting modern instruments when copies of the originals are not available, Francis Bacon's views would be well worth noting<sup>76)</sup>: "All concords and discords of music are no doubt, sympathies and antipathies of sounds. And so, (likewise) in that Musick which we call broken Music or Consort Musick; some Consorts are sweeter than others; (A Thing not sufficiently yet observed); As the Irish Harp, and the Base Viole agree well; the Recorder and Stringed Musick agree well; Organs and the Voice agree well, &c. But the Virginalls and the Lute, or the Welsh Harp and the Irish Harp; or the Voice and Pipes alone, agree not so well. But for the Melioration of Musick there is yet much left (in this point of Exquisite Consorts) to try and enquire".

One need not substitute modern instruments where all or some of the originals are absent; despite Leighton's instruction that they are "to be sung eyther for voyces, consort, or both", there seems no reason why the consort pieces should not be performed by any combination that is musically satisfactory, such as:- i) four voices, ii) cantus and lute, with or without bass viol, iii) cantus, cittern and bass viol, with or without the flute, iv) tenor and bandora, v) tenor, treble viol, flute and bass viol.

e) There are a number of MANUSCRIPT and PUBLISHED copies of individual items from The tears, and one or two of the whole collection. The following lists contain all those that have been identified. No comment is made on their quality or accuracy, nor has any attempt been made to collate them with this edition.

Manuscript<sup>77)</sup>:-

BM, Royal App. 63 contains the cantus and lute tablature of numbers 1-17 and the cantus only of the remainder. There is no knowledge of the scribe or previous owners, though it is thought to have been written soon after 1614. Clearly this could have belonged to a set of parts.

BM, R.M. 24. h. 11 contains number 24 on fol. 100<sup>v</sup>.

BM, Harley Ms. 6346 contains the words only of number 36 on fol. 15<sup>v</sup>. This comprises 111 paper folios of The anthems used in King's Chapel (words only) in the time of Charles II.

BM, Add.Ms. 11586 contains numbers 34, 46 and 51 on fol. 17<sup>v</sup>, 35<sup>v</sup> and 16<sup>v</sup> respectively. This is Volume IV of Burney's Musical extracts, thought to have been written before 1782.

BM, Add.Ms. 11587 contains the voice parts of number 16 on fol. 35<sup>v</sup>. This is Volume VII of Burney's Musical extracts, thought to have been written before 1782.

BM, Add.Ms. 15117 contains the cantus and lute tablature of numbers 2, 1, 9 and 11 respectively on fol. 12<sup>v</sup>-14<sup>r</sup>. It is known to have belonged to Hugh Floyd in 1630 and on fol. 1<sup>v</sup> is the name of John Swarland. There is also an index to Allison's Psalms, which it apparently once contained. This could have belonged to a set of parts.

BM, Add.Mss. 29372-7 contains the voice parts of numbers 10, 17 and 18, and numbers 21, 26, 27, 31, 34, 39, 40, 41, 44, 48, 51, 52 and 53. It is entitled "Tristitiae remedium. Cantiones selectissimae diuersorum tum authorum tum argumentorum labore et manu exaratae Thomae Myriell A.D. 1616". The title-page is engraved.

BM, Add.Ms. 29427 contains numbers 34, 46 and 51 on fol. 19<sup>r</sup>, 22<sup>r</sup> and 22<sup>v</sup> and 68<sup>r</sup>, the last having two versions in different keys, due to an abandoned chiavette; altus part only. It is thought to have been written in the early seventeenth century

BM, Add.Ms. 30478 contains number 42 on fol. 144<sup>v</sup>. Add.Ms. 30479 is practically a duplicate of this, number 42 appearing on fol. 134<sup>v</sup>. It is the Tenor cantoris of "A booke of Selected Chvrch Mvsick Consisting of full Anthems and Anthems with verses Used in the Cathedral Chvrch or Durham Anno Domini 1664".

BM, Add.Ms. 31418 contains the voice parts only of the whole in open score. It is thought to have been written by E. T. Warren Horne in the late eighteenth century, since it is stamped with Horne's book-plate.

Bodleian, Wight Ms. 16681 contains number 24. It is thought to have been written in the late eighteenth century

Childs, Robert Barney: The setting of poetry in the English madrigal with an edition of The tears.... unpublished doctoral dissertation, Stanford University, U.S.A., 1957.

Peterhouse, Cambridge, Caroline part-books, former set contain number 42.

St. Michael's, Tenbury, Ms. 791 contains number 42. This is Adrian Batten's organ book.

BM, Add.Ms. 31415 contains the voice parts of numbers 9 and 12. It is dated after 1835.

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#### Published:-

New York Public Library published an edition of numbers 1-17 by Sydney Beck in 1935. The writer wishes to acknowledge the effort of Mr. O. W. Neighbour in supplying the following list from the records of the British Museum Music Room.

<u>Piece</u>	<u>Editor</u>	<u>Publisher</u>	<u>Date</u>	<u>Comment</u>
9	Charles Burney J. F. Bridge	- Novello	1789 1922	<u>General History of Music, III, 139, extract.</u> <u>Sacred motets or anthems by Byrde etc.</u>
10	Charles Burney G.E.P. Arkwright	- Joseph Williams	1789 1889	<u>General History of Music, III, 139, extract.</u> <u>Old English Edition</u>
12	John E. West Nicholas Steinitz Donald Cashmore	Novello O.U.P. Novello	1903 1963 1962	for SAB
15	Maurice Bevan	O.U.P.	1962	

16	J. F. Bridge	Novello	1922	<u>Sacred motets or anthems by Byrde etc.</u>
17	Thurston Dart	Stainer & Bell	1963	
18	J. F. Bridge Thurston Dart	Novello Stainer & Bell	1922 1960	<u>Sacred motets or anthems by Byrde etc.</u>
19	J. F. Bridge E. H. Fellowes	Novello Stainer & Bell	1922 1942	<u>Sacred motets or anthems by Byrde etc.</u> <u>Collected works of Wm. Byrd, Vol.10.</u>
21	Nicholas Steinitz	O.U.P.	1963	
23	Marylin Wailes	Schott	1953	<u>The complete works of Martin Peerson</u>
24	Fellowes etc.	O.U.P.	1925	<u>Tudor Church Music, IV</u>
25	Brown etc	Stainer & Bell	1966	<u>Musica Britannica, XXIII</u>
26	? revised ?	O.U.P. O.U.P.	1911 1962	for The Church Music Society ditto
27	E. F. Rimbault J. F. Bridge E. H. Fellowes	T. Wright Novello Stainer & Bell	1866 1922	<u>The Choir, No.74; adapted to "The nightingale in silent night"</u> <u>Sacred motets etc.; adapted to "O Lord turn not Thy face"</u> <u>English Madrigal School, Vol.VI, 1914.</u>
28	Thurston Dart	Stainer & Bell	1963	
29	Thurston Dart	Stainer & Bell	1963	
30	J. F. Bridge E. H. Fellowes	Novello Stainer & Bell	1922 1942	<u>Sacred motets or anthems by Byrde etc.</u> <u>Collected works of Wm. Byrd, Vol.10.</u>
31	J. F. Bridge E. H. Fellowes	Novello Stainer & Bell	1922 1942	<u>Sacred motets or anthems by Byrde etc.</u> <u>Collected works of Wm. Byrd, Vol.10.</u>
34	G.E.P. Arkwright	Joseph Williams	1889	<u>Old English Edition</u>
35	J. F. Bridge	Novello	1922	<u>Sacred motets or anthems by Byrde etc.</u>
36	H. E. Button Fellowes etc.	Novello O.U.P.	1907 1925	<u>Tudor Church Music, IV</u>
39	Marylin Wailes	Schott	1953	<u>The complete works or Martin Peerson</u>
41	Brown etc.	Stainer & Bell	1966	<u>Musica Britannica, XXIII</u>
44	J. F. Bridge	Novello	1922	<u>Sacred motets or anthems by Byrde etc.</u>
45	Marylin Wailes	Schott	1953	<u>The complete works of Martin Peerson</u>
46	G.E.P. Arkwright	Joseph Williams	1889	<u>Old English Edition</u>
49	E. H. Fellowes	Stainer & Bell		<u>English Madrigal School, Vol.VI, 1914.</u>
50	Charles Burney	-	1789	<u>General History of Music, III, 140, extract.</u>
51	G. E. P. Arkwright	Joseph Williams	1889	<u>Old English Edition</u>
52	?	O.U.P.	1911	for The Church Music Society
55	J. F. Bridge	Novello	1922	<u>Sacred motets or anthems by Byrde etc.</u>

f) For the final page of his collection Leighton wrote a poem headed The author going further in consideration of the incomprehensible power and glory of God, endeth in amazement<sup>78)</sup>. Comment would be superfluous.

APPENDICES

I Leighton v Rogers, Beardmore and Sneade in the Court of Chancery regarding stolen deeds

Public Record Office, C 2/Eliz. 14/4

xxij die Novembris  
1596To the right hon'able S<sup>r</sup> Thomas Eyerton knight  
Lord Keeper of the great Seale of England

Humbly sheweth vnto yo<sup>r</sup> good Lp: yo<sup>r</sup> daylie orator Willim Leighton the yonger esquier, That whereas one John Rogers of Walton in the Countie of Stafford in or aboute the monthe of September in the six and thirteenth yeare of her Ma<sup>ties</sup> raigne or thereabout<sup>e</sup> did bargayne sell assure and convey for money and other good consideracons by divers conveyanc<sup>e</sup> and assuranc<sup>e</sup> in writinge vnto Phillip Trevin and his heires for ever All his howses land<sup>e</sup> tenement<sup>e</sup> medowes leasowes pastures and hereditament<sup>e</sup> in Walton aforesaid, and also c'ten cottages in the p<sup>ishes</sup> of Sandon and High Offlowe in the said countie of Stafford. And afterward<sup>e</sup> the said Phillip Trevin for a competent some of money paid vnto him by yo<sup>r</sup> said orato<sup>r</sup> and other good consideracons in or aboute the month of Marche the next after did by suffycient conveyanc<sup>e</sup> & assuranc<sup>e</sup> in the lawe bargin sell assure and convey the said p<sup>r</sup>misses and everie part and pcell therof vnto yo<sup>r</sup> said orator and his heires for ever By force wherof yo<sup>r</sup> said orato<sup>r</sup> was of the said p<sup>r</sup>misses lawfullie seised in his demesne as of fee and was likewise possessed of divers deed<sup>e</sup> chres evidenc<sup>e</sup> and myniment<sup>e</sup> conc'ninge the same And yo<sup>r</sup> orators estate right tytle and interest thervnto: But now see it is yf yt may please yo<sup>r</sup> Lp that the said deed<sup>e</sup> and evidenc<sup>e</sup> are by casuall or vndue meanes come to the custodie and posson of Humfrey Berdmore George Sneade and the said John Rogers or to some of theym, by color of the havinge wherof or vpon some other sutle practise th<sup>at</sup> thei haue contrived vnto theymselues or some of theym or to some other pson or psons to thei(r)<sup>1)</sup> or some of their vse sundrie secrett estat<sup>e</sup> in the p<sup>r</sup>misses to the p<sup>r</sup>iudice and danger of yo<sup>r</sup> said orators disinheritance and doo amonge other thing<sup>e</sup> publishe and giue forthe that the said John Rogers did therof by deed enfeffe<sup>d</sup> theym the said Berdmore and Sneade to the vse of him the said John Rogers and the heires of his bodie w<sup>ch</sup> deed of feffment they haue made to beare date byfore the said conveyance of the p<sup>r</sup>misses made by the said Rogers to the said Trevin althowghe yt were sealed & deliu'ed about xxv<sup>2)</sup> after y<sup>e</sup> said conveyance the<sup>r</sup>of made to the said Trevin w<sup>ch</sup> w<sup>th</sup> other claymes and p<sup>r</sup>tences of tytle ymagined amonge theym may tend (to y)<sup>o</sup><sup>3)</sup> said orators disinheritance and are agenst all right equitie and good conscience And albeyt also yo<sup>r</sup> said ora(tor)<sup>3)</sup> haue eftesoones curteouslie required the said Rogers Sneade and Beardmore to redeliu' vnto him the said (e)v<sup>idenc</sup><sup>e</sup><sup>3)</sup> yet that to doo they and everie of theym haue refused and stil doe refuse to doo contrarie to all equitie: In consideracon wherof and for that suche practises may by lyttle and lyttle worke yo<sup>r</sup> said orators disinheritance of and in the p<sup>r</sup>misses w<sup>th</sup>oute meanes by the comen lawes to suppressse or prevent thesame and for that yo<sup>r</sup> said orator not knowinge the c'ten dates or content<sup>e</sup> of the said chres and evidences nor in what manner they be deteyned from him hath therefore noe remedie by the coen Lawes of this Realme, May yt please yo<sup>r</sup> good Lp. to graunte vnto yo<sup>r</sup> said orator her Ma<sup>ties</sup> most gracious writt of Supena to be directed vnto the said John Rogers George Sneyde and Humfrey Beardmore comaundinge theym and everie of theym at a c'ten day, and vnder a c'ten payne therein to be lymited psonallie to appere byfore yo<sup>r</sup> good Lp in her Ma<sup>ties</sup> Highe Court of Chanc'ie then and there to aunswere to the p<sup>r</sup>misses and speciallie whether any such deed of feffm<sup>t</sup> were by the said Rogers made vnto the said Sneyde and Beardmore and to what vses & yf any weare so made vnto theym when the same was made, what date yt beareth when yt was Sealed and deliu'ed vnto them by the said Rogers, whether byfore or after that he had conveyed the p<sup>r</sup>misses vnto the said Trevin, And furth<sup>r</sup> to stand to and abide by such order therin as to yo<sup>r</sup> honor shall seeme to be agreeable to equitie & good conscyence. And yo<sup>r</sup> said orato<sup>r</sup> as neu'thesse bounden will daylie pray to God that he will longe p<sup>r</sup>serue yo<sup>r</sup> Lp: in all honor:

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II An indenture enrolled in the King's Bench confirming Thomas Clive as the owner of the manor of Bassechurch  
Public Record Office, KB 27/1417 rot 557<sup>4</sup>)

This Indenture made the sixteenth day of November in the seaventh yeare of the reigne of our Sou'eigne lord James by the grace of god of England Fraunce & Ireland kinge defender of the fayth &c and in the three & fortieth yeare of his ma<sup>ties</sup> reigne of Scotland Betweene Sir William Leighton of Plashe in the Countie of Salop knight and Harcourt Leighton of the Inner Temple London gent sonne and heire apparent of the saide Sir William Leighton on the one p<sup>tye</sup> and Thomas Clyve of Boreatton in the sayde County of Salop gent sonne and heire apparent of Edward Clyve of Walford in the said County of Salop Esquier on thother party witnesseth that whereas by an Indenture tripartite bearinge date the twentieth day of November in the Second yeare of the reigne of our sayd Sou'agne lord kinge James of England Fraunce & Ireland and of Scotland the eight and thirtieth It was Covenanted graunted concluded condiscended & agreed by and betweene the saide Sir William Leighton on the firste parte George Onslowe of walton grange in the County of Staff Esquier of the Second parte and one John Cotes, Richard Mitton, & Richard Thornes esquiers and John Orme gent of the thirde parte That the saide Sir William Leighton & George Onslowe should & would levye one or more fyne or fynes with p<sup>clamacons</sup> accordinge to the forme of the Statute in such case p<sup>vided</sup> vnto the sayde John Cotes Richard Mitton Richard Thornes & John Orme and to the heires of <sup>one of</sup> them Of and in the manners or lordshippes of Bassechurche & Wigginton in the saide County of Salop with there appurten<sup>nces</sup>, and of all those messuages lands & tenements in the seu'all towns parrishes & hamletts of Bassechurche Wigginton Nonyly Bagley Birch Prescott Boreatton meyre ley Newtowne Bassechurche Ellesmere olde Haughton Newe Haughton Cookeshott Crolsmere Culmere Fitz Grafton Thorneforde als Basmere Webscow Walford Abbots more Castforgate als Abbey Forgate yston Weston Rynn Ferinhaugh Kenwickwood Northwood Weston Lullingfeilde Todsill Oswestrie Riton Cyrston Rudge Clyve Caldicott West felton in the saide County of Salop and of the p<sup>sonage</sup> of Neven in the County of Carnavon by suche name and names quantitie & quantities of acres & qualities of hereditaments as should seeme best vnto the saide Sir William Leighton & George Onslowe By whiche Fyne & Fynes they the saide Sir William Leighton & George Onslowe should acknowledge the saide manners lands tenements & hereditaments with thappurten<sup>nces</sup> to be the right of the saide John Coats as those wch the saide John Cotes Richard Mitton Richard Thornes & John Orme should haue of the guifte of the saide Sir William Leighton & George Onslowe with warrantie or without warrantie as the saide Sir William Leighton and George Onslowe should thincke expedient: W<sup>ch</sup> fyne & fynes and eu'ye of them should by the saide recyted Indenture Tripartite and by the full agreement of all the saide parties to the same be and in vre and the saide John Coats Richard Mitton Richard Thornes and John Orme and there heires & the surviour of them and his heires should for euer after stand and be seysed of the said manners lands tenements and hereditaments and eu'y parte and p<sup>cell</sup> thereof with thappurten<sup>nces</sup> to the vses intents and purposes in the saide recyted Indenture Tripartite expressed & to none other vse intents & purpose, videlt, of for and concerninge the moytie or one halfe of the saide manners lands tenements and hereditaments with thappurten<sup>nces</sup> to the vse of the sayde George Onslowe his heires and assignes for euer as by the saide recyted Indenture Tripartite amongst other things yt doth and may appeare. W<sup>ch</sup> Fyne was levied accordingle and whereas after by one other Indenture of partition bearinge date the tenth daye of October in the thirde yeare of the reigne of our Sou'eigne lord James of England Fraunce & Ireland and of Scotland the nyne and Thirtieth made betweene the saide Sir William Leighton knight John Coats Richard Mitton Richard Thornes and John Orme of thone partie and the saide George Onslowe of the other p<sup>tye</sup> the saide mannor or lordshippe of Bassechurche in the saide Countie of Salop with thappurten<sup>nces</sup> extendinge yt selfe into the seu'all Towneshippes Hamlets or p<sup>cinctes</sup> of Bassechurch Boreatton Birche Bagley meyre Prescott Newtown Bassechurche ley and Nonyly aforesaid was gyven graunted assigned sett forth and allowed for and in particion by the saide Sir William Leighton John Cotes Richard Mitton Richard Thornes and John Orme vnto the saide George Onslowe his heires and assignes for euer for the full moytie parte porcon and purpartie of the saide George Onslowe his heires and assignes of all & singular the saide aboue recyted manners lands tenements and hereditaments with there appurten<sup>nces</sup> whatsoever whereof the Fyne aforesaid was levied and acknowledged or Covennted to be levied & acknowledged as aforesaide as by the sayde recyted Indenture of partition it doth & maye more at large appeare And also wheareas after by one other Indenture of Covennts bearinge date the eighte and twentieth day of Aprill in the sixte yeare of the reigne of our saide Sou'eigne lord kinge James of England Fraunce and Ireland and of Scotland the one & fortieth made betweene the saide George Onslowe on thone partie and the saide Thomas Clive and mary his then and yet wife daughter of the saide George Onslowe on thother p<sup>tye</sup> hee the saide George Onslowe

aswell for and in the Consideracon of the mariadge of the saide mary his daughter with the saide Thomas Clyve as allsoe of a Certayne some of money menconed in the saide last recyted Indenture of Covennts to be paide & Covennted to be payde by the said Thomas Clyve vnto the saide George Onslowe did Covennte by the sayde last recyted Indenture of Covennts with the saide Thomas Clyve & mary his wife to stand seised of and in the saide manner or lordshipps of Bassechurche with the apputenncs and of and in all messuages Farmes Cottages tofts water millues lands tenements meadows leasowes pastures feedings woods vnderwoods wasts Comons Heathes firres mores marishes rents reu'cons remaynders services & duties with their appurtenncs in the saide seu'all Townshipps Hamletts or precincts of Bassechurche Boreatton Birche Bagley meyre Prescott Newtowne Bassechurche ley & Nonyly aforesaid beinge pcell or pcells of the saide manner or lordshippe of Bassechurche and alsoe of & in all leets veiwes of Franck-pledge Courts pffitts of Courts freewarrens libties Franchises p'uiledges imunities Royalties pffitts & comodities whatsoever to the saide manner or lordshipp of Bassechurche belonging & appteyninge or therewithall or within the p'cinctes thereof at any tyme then before had vsed occupied & enjoyed and alsoe of and in all other lands tenements Farmes rents reu'sions remaynders services duties or hereditaments whatsoever within the saide seu'all towneshippes hamletts or precinctes or within any of them to the seu'all & respective vses of him the saide George Onslowe & of them the saide Thomas Clyve & mary his wife for such seu'all & respective estates in the saide p'misses and with such remaynder & remaynders over & in such manner & forme as ys seu'allie & respectivelie expressed declared lymited and appoynted in & by the saide last recyted Indenture of Covenntes wherein alsoe the saide George Onslowe did further Covennte with the saide Thomas Clyve and mary his wife to pcure and cause the saide Sir William Leighton and his heyres to acknowledge and leuye any suche fyne or Fynes with pelamacons accordinge to the lawes & statutes in such case pvided and to suffer any such comon recou'ye or Recou'ies accordinge to the lawes & statutes in such case pvided and to make & execute all and eu'y such other lawfull conveyance & conveiances assurance and assurances of the saide p'misses for the better & more pfect assuringe & sure makinge of all the saide p'misses to the saide seu'all & respective vses thereof in the saide last recyted Indenture of Covennts conteyned menconed and expressed as by the saide Thomas Clyve and mary his wife or either of them their or either of their Councell learned in the lawes of England should be devised advised or required as by the saide last recyted Indenture of Covennts it dooth & maye more at large appeare Nowe therefore the saide Sir William Leighton and Harcourte Leighton his sonne and heire apparant and either of them aswell for and in parte of pformance of the saide Covennte of the saide George Onslowe as alsoe for diu's other good causes & consideracons them & either of them especiallie therevnto movinge haue and hath remised released and altogether for them & either of them their and either of their heires for euer by these p'sents quiett claymed vnto him the saide Thomas Clyve his heires & assignes for eu' all their & either of their title clayme right int'est & demaund w<sup>ch</sup> they or either of them at any tyme heretofore haue or hath had nowe haue or hath or any manner of way hereafter may haue of in or to the saide manner or lordshippe of Bassechurche withapputenncs or any pcell thereof And of in or to all or anie mesuage or messuags farmes Cottages tofts watermillues lands tenements meadows leasowes pastures feadings woods vnderwoods wasts Comons heather firres mores marishes Rents reu'sions remaynders services or duties with their appurtenncs in the saide seu'all Townshipps Hamletts or p'cinctes of Bassechurche Boreatton Birche Bagley meyre Prescott Newtowne Bassechurch ley & Nonyly or any of them beinge pcell & pcells of the saide manner or lordshippe of Bassechurche And of in or to any leets veiwes of Franck-pledge Courtes pffitts of Courts free warrens libtyes Franchises preuiledges imunities roialties pffitts and Comodities whatsoever to the saide manner or lordshippe of Bassechurche belonginge and appteyninge or therewithall or within the p'cinctes thereof at any tyme heretofore had vsed occupied & enjoyed And allsoe of in & to any other lands tenements Farmes rents reu'sions remaynders services duties or hereditaments whatsoever within the sayde seu'all Townshippes Hamletts or p'cinctes or within any of them see that neyther they the saide Sir William Leighton & Harcourt Leighton nor eyther of them their nor either of their heires nor any other pson or psons whatsoever by or for them or either of them or in their or either of their names or name any right tittle clayme interest or demaunde of in or to the saide manner or lordshippe of Bassechurche with the appurtenncs or of in or to anye parte parcell or member thereof or of in or to any other of the saide seu'all p'misses in the saide seu'all Townshipps Hamletts or p'cinctes of Bassechurche Boreatton Birche Bagley meyre Prescott Newtowne Bassechurche ley & Nonyly or any of them from hensforth maye or ought to clayme or challenge anie manner of way but shalbe for euer hereafter by these p'sents vtterly excluded & barred of and from all & all manner of accon & accons entire right tittle clayme intest & demaund for of in or to the said manner or lordshipp of Bassechurch withthapputenncs or anie parte pcell or member thereof or for of in or to anie other of the saide seu'all p'misses with their appurtenncs before in and by these p'sents menconed and intended to be remised released & quiett claymed or anie parte or parcell of them And they the saide Sir William

Leighton and Harcourte Leighton for them & either of them seu'allie their & either of their seu'all heires doe Covennte and graunte by these p'sents to & with the saide Thomas Clive his heires and assignes That they the saide Sir William Leighton and Harcourte Leighton and eyther of them their and either of their heyres the saide manor or lordshippe of Bassechurch with thappurtenncs and all other the saide seu'all p'misses before in & by their p'sents menconed & intended to be remised released & quiett claymed with their appurtenncs to the saide Thomas Clive his heires & assignes agaynst them the saide Sir William Leighton & Harcourt Leighton & either of them their & either of their heires and against all & singular other pson and psons whatsoever lawfully haveinge & claymyng or challenging or w<sup>ch</sup> hereafter lawfullie shall or maye haue & clayme or challenge the saide manor or lordshippe of Bassechurch with thappurtenncs or anie parte or pcell thereof or anie other of the saide seu'all p'misses before in & by these p'sents menconed & intended to be remised released & quiett claymed with their appurtenncs or anie pte or pcell or anie of them or anie manner of estate right title int'est or demaund of in or out of the said manor or lordshipp pf Bassechurch with the appurtenncs or anie parte or pcell thereof or of in or out anie other of the saide seu'all p'misses before in & by their p'sents menconed or intended to be remised released & quiett claymed with their appurtenncs or anie pte or pcell of them by from or vnder them the saide Sir William Leighton & Harcourte Leighton or eyther of them shall & will warrant & foreuer by these p'sents defende and they the saide Sir William Leighton & Harcourte Leighton for them & either of them seu'ally their & either of their seu'all heires executors & Administrators doe for the Consideracons aforesaide Covennte & graunte by these p'sents to and with him the saide Thomas Clive his heires executors Administrators or assignes That they the sayd Sir William Leighton & Harcourt Leighton and eyther of them their & either of their heires shall & will from tyme to tyme & att all tymes hereafter at and vpon the reasonable request costs & charges of him the sayde Thomas Clive his heires executors Administrators or assignes acknowledge & levie anie fyne or fynes with pclamacons according to the lawes & statuts of this Realme of England in suche Case pvided & suffer anie comon Recou'ye or Recoueries with vower or vowers to be had & executed accordinge to the lawes & statuts of this saide Realme of England in such case pvided of all the saide manor or lordshipp of Bassechurch with thappurtenncs & of all & singler other the saide p'misses before in & by these p'sents menconed & intended to be remised released & quiett claymed with their appurtenncs to anie pson or psons to be nciated & appoynted by him the saide Thomas Clive his heires executors Administrators or assignes by such names & qualities of hereditaments & by such quantities & numbers of acres as to the saide Thomas Clive his heires Executors Administrators or assignes or his or their Councill learned in the lawes of England shalbe thought meete & convenient and make doe execute & finishe all & eu'ie such other lawfull & reasonable conveyance and Conveiances assurance & assurances in fee simple of all & euery the saide p'misses before in & by their pnts menconed and intended to be remised released & quiet claymed with their appurtenncs to anie pson or psons whatsoever to be nciated & appoynted by him the saide Thomas Clive his heires Executors Administrators or assignes as by him the saide Thomas Clive his heires Executors Administrators or assignes or his or their Councill learned in the lawes of England shalbe lawfullie devised advised & required for the vtter & ppetuall barringe & excludinge of them the saide Sir William Leighton & Harcourt Leighton & eyther of them there & eyther of their heyres of and from all & all manner of right title int'est Clayme & demaund in or to the saide p'misses before in & by their p'sents menconed and intended to be remised released & quiett claymed with their appurtenncs or in or to any pte or pcell thereof accordinge to the true intent & meaninge of their pnts And it is further Covennted graunted concluded condiscended agreed pmised & declared by and betweene the saide pties to these p'sents, That all & eu'ie Fyne & fynes Recouery & Recoueries Conveyance and Conveiances assurance and assurances soe as is aforesaide hereafter to be acknowledged levied suffered made done executed & finished by them the saide Sir William Leighton & Harcourte Leighton or eyther of them their or either of their heires of all and singular the saide p'misses before in & by these p'sents menconed & intended to be remised released & quiett claymed with their appurtenncs or of anie pte or pcell of them shall invre & be & shalbe adiudged construed deemed & taken to be and the Comisees in the saide fyne or fynes named & their heires & the surviour of them & his heires, and the recou'ors in the saide Recouerye or Recoueries named & their heires & the surviour of them & his heires & euery other pson & psons to whome any such conveyance or conveyances assurance or assurances as aforesaide shalbe made & executed & their heires & the surviour of them and his heires shall stande & be seised thereof to the seu'all & respective vses of him the saide George Onslowe and of them the saide Thomas Clive & mary his wife for the same seu'all & respective estates in the sayd p'misses & with the same remaynder & Remaynders over and in the same manner and forme as in and by the sayde last recyted

Indenture of Covenants bearing date the eight and twentieth daye of Aprill in the sixte yeare of the reigne of our saide Soueraigne lord kinge James of England Fraunce & Ireland and of Scotland the one and fortieth are and is more at large contayned lymited appoynted expressed and declared and to none other vses intents or purposes In witnes whereof the parties aboue named to theis p'sent Indentures interchaungeablye haue sett their Hands & Seales the day & yeare first aboue written.

[Erratum:- for Harcourt(e) read Harecourt(e)]

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III An Indenture for the sale of messuages in Weston Lullingfield and Eyrson and a water corn mill in Eyton from Leighton to his father

Shrewsbury Public Library, Deed 5981

This Indenture made the seconde day of Januarie in the Raigne of oure sou'aighe lorde James by the grace of god kinge of Englande Scotlande Fraunce and Irelande defendo<sup>r</sup> of the faith, That is to saie in the thirde yeare of his ma<sup>te</sup> Raigne of Englande Fraunce and Irelande, And in the nyne and thirtith yeare of his ma<sup>te</sup> Raigne of Scotlande Betwen Richarde Mitton of Halston Richarde Thornes of Shelvocke John Coates of Wodcotte in the Countie of Salop Esquiers and John Orme of London gent on thone partie And Willim Leighton of Plaighe in the Countie of Salop Esquier on thother partie witnesseth that the said Richarde Mitton Richarde Thornes John Coates and John Orme at and by the apponntemente and speciall Requeste of S<sup>r</sup> Willim Leighton of London knighte and for and in consideracon of the some of twoe hundred pounde of lafull mony of England to them paide by the said Willim Leighton whereof and wherewith they the said Richarde Mitton Richarde Thornes John Coates John Orme and S<sup>r</sup> Willim Leighton do acknowledge them selves to be fullie satisfied and paide: And thereof and of eu'y parte and parcell thereof do clearlie acquite and discharge the said Willim Leighton his executors and Administrators and eu'y of them by theis pm<sup>te</sup> haue graunted aliened bargained and soulded. And by theis pm<sup>te</sup> do for them and there heires absoutlie and cleerlie graunte alien bargain and sell vnto the said Willim Leighton his heires and Assignes foreu', all that messuage or tēte w<sup>th</sup> thappurtenne scitua<sup>t</sup> lieing and beinge in Weston Lullingfeilde in the said countie of Salop and nowe or late in the tenure or occupacon of one Thomas Newton and Elizabeth his mother or other of them Together also w<sup>th</sup> all and singuler lande tēte meadowes leasues pastures comons waies waters fishinge woodē vnderwoodē fredons liberties emoluments comodities and hereditamentē whatsoeu' w<sup>th</sup> the said messuage or tēte nowe or heretofore demised vsed occupied let set or enioyed of therewith or therevnto in any wise belonginge or apptayninge, And also all that messuage or tēte scitua<sup>t</sup> lieinge and beinge in Eyrson als Eyrston in the said Countie of Salop And now or late in the tenure or occupacon of one Richarde Kynaston and all and singuler lande tēte meadowes leasewes pastures comons waies waters fishinge woodē vnderwoodē fredons libties emolumentē comodities and hereditamentē whatsoeu', w<sup>th</sup> the said messuage or tēte nowe or heretofore demised vsed occupied let set or enioyed or therew<sup>th</sup> or therevnto in any wise belonginge or in any wise apptayninge And also all that water corne mill in Eyton in the said Countie of Salop nowe or late in the tenure or occupacon of the said Richard Kynaston, and all that meadowe leasue or pasture adioyninge to the said mill called the mill moore likewise in the tenure or occupaco of the said Richarde Kinaston or his Assignee or Assignes vnder tēnte or vnder tēnte And all and almanno<sup>r</sup> of suite costome millure waies waters watercourses, profite, comodities and hereditamentē w<sup>th</sup> there appu'tenncē to the said watercorne mill meadowe and pasture b belonginge or in any wise apptayninge or demised occupied or enioyed as pte pcell or member of the same, And also all howses edifices and buildinge barnes stables orcharde gardens, lande tēte leasewes pastures feadinge woodē waters comons wais easementē profite comodities and hereditamentē w<sup>th</sup> all and singuler there appu'tenncē whatsoeu<sup>r</sup> to the said seu'all messuage tēte and mill and eu'y or any of them belonginge or in any wise apptayninge which said p'misses lately were the inthe tanure of one Thomas Onslowe of Boreatton in the said countie of Salop esquier deceased, and the Reu'con and reu'cons Remainder and Remainders, of all and singuler the p'misses w<sup>th</sup> thappu'tenncē, And all there and eu'y of there estate rightes title righte titles and intrestes of in and to the p'misses and eu'y parte and parcell thereof w<sup>th</sup> thappu'tenncē, Together also w<sup>th</sup> all deedē evidenc wrytinge charters escriptē and mynimentē concerninge onlie the p'misses or onlie any parte or pcell thereof To haue and to houlde the saide seu'all messuagē mill tēte and p'misses w<sup>th</sup> all and singuler

thappurtenne by this pm'te menconed or meante or entended to be graunted alienedde bargained and sould and eu'y parte and parcell thereof to him the said Willim Leighton his heires and Assignes to and for the proper vse and behufe of the said Willim Leighton his heires and Assignes foreu', In witnes whereof the parties aboue named to this pm'te Indentures Interchaungeable have put there hande and sealle the day and yeare first above wrytten

Signed Willim Leighton<sup>5)</sup>

On the verso of this deed is:-

Sealed and deliuered to Foulke Langley to the vse of the wthin named Richarde Mytton Richarde Thornes and John Coates Esquyres and John Orme gent. In the p'sence of

Signed Harcourte Leighton  
 Richarde Thinne  
 Thomas Halle

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IV An Indenture for the sale of messuages in Oswestry, Weston Lullingfield and Kenwickwood by Leighton to John Harman Shrewsbury Public Library, Deed 1142

This Indenture made the Two and Twentieth daie of November in the seaventh yeare of the Reigne of our sovereigne lord James by the grace of God kinge of England Fraunce & Ireland defender of the faith &c and of Scotland the Three and fortyeth Betwene S<sup>r</sup> Willim Leighton of Plaish in the County of Salop knight George Onslow of walton grange in the County of Staff Esqr, Richard Mitton of Halston in the said County of Salop Esqr John Coates of woodcote in the said County of Salop Esqr Richard Thornes of Shelvock in the County of Salop Esqr. John Orme of London Esqr Richard Greene of Wollaston in the County of Oxon Esqr John Truman of Bynley in the County of War gent and Thomas Edgeley of Flaxley in the County of Gloucester gent of thone ptye, and John Harman of Middletonstone in the County of Oxord Esqr of thother ptye witnesseth that the said S<sup>r</sup> Willim Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman, & Thomas Edgeley as well for and in Consideracon of the some of Fower hundreth poundes of Currant English mony att or before their sealinge of these p<sup>r</sup>sent well & truely satisfied & paid by the said John Harman vnto the said John Trewman by the appointment of the said S<sup>r</sup> Willim Leighton As also for diu'se other good Causes and Consideracons them specially moveinge haue graunted bargained sould alyened Enfeoffed and confirmed And by these p<sup>r</sup>sent doe Clearely and absolutely graunte bargaine sell alyen Enfeoffe and confirme vnto the said John Harman his heires & assignes for ever All that Messuaige or tent w<sup>th</sup> thappurtenne sett lyinge and beinge in Oswestrie in the said County of Salop now or late in the tenure or occupacon of Nicholas Jones Sadler, All that other Messuaige or Tenement w<sup>th</sup> thappurtenne in Oswestrie aforesaid now or late in the tenure or occupacon of one Anthony Edwardes All that Messuaige or tenement w<sup>th</sup> thappurtenne in Oswestrye aforesaid now or late in the tenure or Occupacon of (BLANK) Onslow widow All that messuaige or Tenement w<sup>th</sup> thappurtenne in Oswestry aforesaid now or late in the tenure or occupacon of one Richard Weaver All that Messuaige or Tenement w<sup>th</sup> the appurtenne in Oswestry aforesaid now or late in the tenure or occupacon of Fawlke ap Thomas All that Messuaige or Tenement w<sup>th</sup> thappurtenne in Oswestrie aforesaid now or late in the tenure or occupacon of Lowes ap Richard All that Messuaige or Tenement w<sup>th</sup> thappurtenne in Oswestrie aforesaid now or late in the tenure or occupacon of Althaw Jenynges, One garden w<sup>th</sup> thappurtenne in Oswestrie aforesaid now or late in the tenure or occupacon of John ap John Goughe One other garden w<sup>th</sup> thappurtenne in Oswestrye aforesaid now or late in the tenure or occupacon of Thomas Eysoon, One Orcharde w<sup>th</sup> thappurtenne in Oswestrie aforesaid now or late in the tenure or occupacon of Edward ap Nicholas And one voyde place or piece of grounde in Oswestrie aforesaid, whereon a house lately by misfortune burnt was sometymes standinge. And also all that Messuaige or Tenement wth thappurtenne sett lyinge & beinge in weston

Lullingfeild in the County of Salop now or late in the tenure or occupacon of one (BLANK)<sup>6)</sup> Newton widow, and Thomas Newton her some or one of them, All that Crofte or scite of a house in Weston Lullingfeild aforesaid now or late in the tenure or occupacon of one Thomas Evans All that other Crofte or scyte of a house in Weston Lullingfeild aforesaid now or late in the tenure or occupacon of Thomas Morgan, All that the Fifth pte of two meadowes called the hache meadowes in Weston aforesaid, All that the grasse pastureinge and feadinge for two beast<sup>e</sup> in a pasture Called the Burghe in Weston Lullingfeild aforesaid late in the tenure or occupacon of one Richard Griffithers, All that pasture Called broad leasow in Weston Lullingfield aforesaid now or late in the tenure or occupacon of one Arthure Chaimbers Esqr One other pasture called the wood leasow in Weston Lullingfeild aforesaid now or late in the tenure or occupacon of one Thomas Phillips and one other pasture called the least leasow in Weston aforesaid Together w<sup>th</sup> all houses, edifices buyldinges, Barnes stables, Orchardes gardens landes Tenement<sup>e</sup> meadowes pastures feadinges Comons wood<sup>e</sup> vnderwood<sup>e</sup>, Rent<sup>e</sup> Reu'cons services, profitt<sup>e</sup> Comodityes waies waters easement<sup>e</sup> and hereditament<sup>e</sup> whatsoever to the said bargained p'miss<sup>s</sup> and every or any pte thereof in anywise belonginge or appertayninge scytuate lyinge and beinge or Cominge growinge renewinge or happeninge w<sup>th</sup> in the seu'all Townes feildes pishes or hamlett<sup>e</sup> of Oswestrie Kenwickwood and Weston Lullingfield in the said County of Salop and every or any of them, And the Reu'con and Reu'cons Remaynder and Remaynders of all & singuler the p'miss<sup>s</sup> and all Rent<sup>e</sup> and other yearely profitt<sup>e</sup> reserved in by or vpon any demise lease or graunte heretofore had or made of the same p'miss<sup>s</sup> or anye pte thereof, And all thestaite right tytle interest Clayme and demaunde of them the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley or any of them of in or to the p'miss<sup>s</sup> or any pte thereof w<sup>th</sup> their & everie of their appurtennc<sup>e</sup> whatsoever, All w<sup>th</sup> landes tenement<sup>e</sup> & hereditament<sup>e</sup> before hereby graunted late were the inheritance of Thomas Onslow Esqr deceased To haue and to hold the said Messuaiges or Tenements, and all and singuler other the p'miss<sup>s</sup> before by these p<sup>r</sup>sent<sup>e</sup> menconed ment or intended to be graunted bargained & sould and everie pte and pcell thereof w<sup>th</sup> all & singuler their appurtennc<sup>e</sup> vnto the said John Harman his heires & assignes for ever to the onely proper vse and behoofe of the said John Harman his heires and assignes for ever And the saide S<sup>r</sup> Willm Leighton for him his heires executo<sup>r</sup>s and assignes dothe by these p<sup>r</sup>sent<sup>e</sup> Covennte and graunte to and w<sup>th</sup> the said John Harman his heires & assignes That he the said Sir Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Trewman and Thomas Edgeley or some or one of them now as and vntill all and everie the p'miss<sup>s</sup> by these p<sup>r</sup>sent<sup>e</sup> menconed or meant to be bargained & sould shalbe sufficiently conved & assured to the said John Harman his heires & assignes in Fee symple They the said S<sup>r</sup> Willm Leighton George Onslow, Richard Mitton, John Coates Richard Thornes, John Orme Richard Greene John Truman and Thomas Edgeley or some or one of them shalbe & contynew lawfully seized in his or their demesne as of Fee of and in the said bargained p'miss<sup>s</sup> and everie pte thereof of a good pfect & lawfull estaite of inheritance in Fee symple And that they the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Trewman and Thomas Edgeley or some or one of them haue or now haith full power and absolute estaite and authority to convey and assure the said bargained p'miss<sup>s</sup> and everie pte and pcell thereof vnto and to the vse and behoofe of the said John Harman his heires & assignes for ever, And that the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Trewman and Thomas Edgeley and every of them, their and everie of their heires shall & will from tyme to tyme and att all tymes hereafter dureinge the space of Five yeares next ensueinge the date hereof vpon the reasonable request Cost<sup>e</sup> & Charges in the law of the said John Harman his heires or assignes acknowledge and levye one or more fyne or fynes w<sup>th</sup> proclamacons in due forme & order of lawe of the said bargained p'miss<sup>s</sup>, and suffer a Recou'y or Recou'yes thereof wth double or syngle vovcher, or vovchers vnto and to the vse of him the said John Harman his heires & assignes, by such name and names nouber of acres & contents of the p'miss<sup>s</sup>, as by the said John Harman his heires or assignes shalbe devised, and as on a Fyne or Comon recou'ye may be comprised, And shall and will also make doe and execute, and suffer to be made donne & executed, All and everie other lawfull and reasonable act and act<sup>e</sup>, thinge & thinge Conveyance and assurances in the law of the said bargained p'miss<sup>s</sup> and everie pte and pcell thereof w<sup>th</sup> thappurtennc<sup>e</sup> whatsoever for the further better & more pfect assurance thereof vnto and to the vse of him the said John Harman his heires and assignes for ever, as by the said John Harman his heires or assignes or his or their Counsell learned shalbe reasonably devysed or required, w<sup>th</sup> warranty in all & every such fyne recou'ye and other assurance concerninge the p'miss<sup>s</sup> for and touchinge the said S<sup>r</sup> Willm Leighton against him and his heires, and all other psonnes lawfully haueinge or Clayminge to haue any lawfull estaite in or to the p'miss<sup>s</sup> by from or vnder him the said S<sup>r</sup> Willm Leighton, or by from or vnder the said Thomas Onslow deceased (The estaite of Dame Marye Vernon now wife of S<sup>r</sup> Robert Vernon

knight, and late wife of the said Thomas Onslow of and in all and singular the p<sup>r</sup>misss in kenwickwoode and Weston Lullingfeild aforesaid for tearme of her life onely excepted) And as touchinge the said George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley w<sup>th</sup> warranty onely against them and their heires and all others lawfully Clayminge by from or vnder them or anye of them provided alwaies that the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley nor any of them nor their or any of their heires be not compelled by reason hereof to travell aboute the space of Twenty myles from any the seu'all places where they shall happen to be commorant, and dwellinge att the tyme of such request or Requeste And it is further Covennted condiscended concluded and agreed by and betwene all the said pties to these p<sup>r</sup>sent<sup>e</sup> and their heires that all and every fyne and fynes levyed or to be levyed Recou'y & Recou'yes suffered & to be suffered, and all other Conveyances, and assurances made knowledged, and executed or hereafter to be made knowledged and executed of the bargained p<sup>r</sup>misss or any pte thereof alome or thereof or any pte thereof togethe<sup>r</sup> w<sup>th</sup> any other landes or tent<sup>e</sup>. by the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley and everye or any of them or their or any of their heires or assignes shalbe and invre to the onely vse and behoofe of the said John Harman his heires & assignes for ever And the said S<sup>r</sup> Willm Leighton for himself his heires executo<sup>rs</sup> and administrato<sup>rs</sup> dothe further Covennte and graunte to & w<sup>th</sup> the said John Harman his heires and assignes by these p<sup>r</sup>sent<sup>e</sup> That the said bargained p<sup>r</sup>misss, and everie pte thereof w<sup>th</sup> thappurtennc<sup>e</sup> now are and be, and so from henceforth for ever shall contynew remayne and be to him the said John Harman his heires & assignes exonerated acquitted & discharged, or from tyme to tyme, and att all tymes hereafter well & sufficiently saued & kept harmeles by the said S<sup>r</sup> Willm Leighton his heires executo<sup>rs</sup> & administrato<sup>rs</sup> of and from all former & other bargaines sailes guifte graunte Feoffement<sup>e</sup> leases Joyntures dowers estaites Fynes Statuts marchants and of the Staple Recognizances Judgement<sup>e</sup> & executions, And of and from all fynes for Alienac<sup>on</sup> concerning the p<sup>r</sup>misss or any pte thereof, and of and from all other tytles troubles Charges & menbrances whatsoever had made donne or Comitted or wittingly suffered by the said S<sup>r</sup> Willm Leighton, George Onslow, Richard Mitton John Coates Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley or any of them or by the said Thomas Onslow deceased, Or hereafter to be had made donne or wittingly and willingly suffered by them or any of them or their or any of their heires, or by any other psonne or psonnes lawfully Clameinge by from or vnder them or any of them (except as is before excepted) And that the said John Harman his heires & assignes shall and lawfully maye from henceforth for ever peaceably and quietly haue hold occupye possesse and enjoy the said bargained p<sup>r</sup>misss and everie pte thereof w<sup>th</sup> thappurtennc<sup>e</sup> w<sup>th</sup> out any lett trouble suite malefacon interruption or eviction of the said S<sup>r</sup> Willm Leighton George Onslow Richard Mitton John Coates, Richard Thornes John Orme Richard Greene John Truman and Thomas Edgeley or any of them or their or any of their heires of of any other psonne or psonnes lawfully Clayminge from by or vnder them or any of them or from by or vnder the said Thomas Onslow deceased (except the said Dame Mary Vernon claiminge the said p<sup>r</sup>misss in kenwickwood and weston Lullingfeild aforesaid for tearme of her life as aforesaid. In witness whereof the pties aforesaid haue to these p<sup>r</sup>sent Indentures enterchaingeably putt their handes & seales the daie & yeare first aboue written 1609,

Signed John Harman

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V Bellingham v Thomas Fitzherbert, Leighton and others in the Court of Star Chamber regarding lands, mortgages, perjury, etc.

Public Record Office, Sta. Cha. 8/78/6

15 Junij 1604

Introgatories to be mynistred to Thomas Fytzherbert Esquier one  
of the defend<sup>t</sup>e on the behalf of Edward Bellingham Esquier Complaynnt

1. Imprimis whether by yo<sup>u</sup> Sonne and heire of John Fitzherbert Esquier deceased, and cozen and heire of S<sup>r</sup> Thomas Fitzherbert Knight deceased / viz Sonne of the seid John, next brother and heire apparaunt of the seid S<sup>r</sup> Thomas, And whether was the seid S<sup>r</sup> Thomas Sonne and heire of S<sup>r</sup> Anthony Fitzherbt the late reverent Judg yea or no?
2. Itm whether did the seid S<sup>r</sup> Thomas Fitzherbert for thadvancement of yo<sup>r</sup> self, and his, and yo<sup>r</sup> howse, match yo<sup>u</sup> in marriage w<sup>th</sup> Elizabeth one of the daughters and heirs apparant of John Westbye Esquier? And whether did the seid S<sup>r</sup> Thomas Fitzherbert, for and inconsideracon of that mariage solemnized, & for other causes hym moving, by good conveyance in law in or about Aprill in the xx<sup>th</sup> yere of o<sup>r</sup> late Sou'eign<sup>e</sup> Quene Elizabeth, estate or enfeoffe Willm Hawkesworth esqr & Willm Haddock gent, & there heires of the manno<sup>r</sup> of Hampstall Ridware & Rowley Parke in the Countie of Staff? and of the manno<sup>rs</sup> of Hathersich als Hathersedge & Norbury in the Countie of Derby amongst other the lande Tenent<sup>e</sup> & hereditament<sup>e</sup> of the seid S<sup>r</sup> Thomas Fitzherbert, in the same Counties to the vse of hym the seid S<sup>r</sup> Thomas for his lief, w<sup>th</sup> out impeachment of / wast and after his decease to the vse of the seid John Fitzherbert for his lief w<sup>th</sup> out impeachm<sup>t</sup> of wast And after his decease to the vse of yo<sup>u</sup> and of the heirs of yo<sup>r</sup> boddie vpon the boddy of the seid Elizabeth, yo<sup>r</sup> seid wief lafully begotten And in default of such issue to the vse of the heirs of yo<sup>r</sup> boddie lawfully begotten, And in default of such issue to the vse of yo<sup>r</sup> right heirs forever? Whether had yo<sup>u</sup> the writinge of the seid conveyance in yo<sup>r</sup> custodie? And in whose hand or possessione do the same now remayne?
3. Itm whether did the seid S<sup>r</sup> Thomas Fitzherbert, John Fitzherbert, & one Richard Fitzherbert gent, in or about the 25. or 26. yeres of the seid late Quene make and contryve other conveyances of the seid manno<sup>rs</sup> lande & Tenent<sup>e</sup> to the entent to disinherit, & barr yo<sup>u</sup>, of the seid remaynders lymited vnto yo<sup>u</sup> as aforseid or to disable yo<sup>u</sup> vterly, to dispose of the seid manno<sup>rs</sup> lande Tenent<sup>e</sup> & other the p<sup>r</sup>misses as a Tennt in Tayle might do? Whether did he & they or any of them, for that end & purpose, put in practise, & make a collaterall warrantie<sup>to</sup> / descend vpon yo<sup>u</sup>, therby to barr or disable yo<sup>u</sup> as aforseid? And whether did the seid Richard Fitzherbert ther vpon infeoffe S<sup>r</sup> John Harpur Knight Walter Heveningham esquier, & others to the vse of the same feoffees & of ther heires, during yo<sup>r</sup> lief vpon trust & confidence &c w<sup>th</sup> dyvers remaynders over?
4. Itm whether did yo<sup>u</sup> (having notice of the seid last conveyance and of the entent & practise of the seid collaterall warrantie, made by S<sup>r</sup> Thomas Fitzherbert John Fitzherbert and Richard Fitzherbert or by some or one of them take Councell and advice, how yo<sup>u</sup> might p<sup>r</sup>vent and avoid, the workinge & effect of the same conveyance & collaterall warrantie to and for yo<sup>r</sup> owne advantage & benefite? What counsell was geven yo<sup>u</sup> in that behalf? And by whom? And whether did yo<sup>u</sup> ther vpon, in the lief tyme of the seid S<sup>r</sup> Thomas Fitzherbert and John Fitzherbert enter into, or cause entres to be made into all some or anye the seid manno<sup>rs</sup>, parke lande & Tenement<sup>e</sup> & other the p<sup>r</sup>misses, according to thadvice geven yo<sup>u</sup>? And into w<sup>ch</sup> of them? And whether did yo<sup>u</sup> so enter for & in the name of all the forseid manno<sup>rs</sup> parke lande & Tenent<sup>e</sup>? Declare the truth to every pticul<sup>r</sup> vpon yo<sup>r</sup> oath./
5. Itm whether did yo<sup>u</sup> in or about February in the xxxviij<sup>th</sup> yere of the seid late Quene morgage Rowley and Ridware parkes in the seid Countie of Staff, & the Farmes called overhurst netherhurst netherhall and Bothes in Hathersich als Hathersedge, in the seid Countie of Derby, for the some of 700<sup>li</sup> or therabout<sup>e</sup> to be by yo<sup>u</sup> or yo<sup>r</sup> Assigneis repaid vpon about the first day of May in the xl<sup>th</sup> yere of the seid late Queene And vpon such payment made to rehave & inherite the same, as in yo<sup>r</sup> form' estate? Who did entreat of? and conclude the seid bgayne or morgage w<sup>th</sup> yo<sup>u</sup>? or w<sup>th</sup> any other pson for yo<sup>u</sup>? and by yo<sup>r</sup> appoyntment? and w<sup>th</sup> whom?
6. Itm to whom did you comite and referr the making of the conveyance for the seid morgage as a man of yo<sup>r</sup> lerned councell & fee, whether were the deed<sup>e</sup> of the same conveyance made betwixte yo<sup>u</sup> of thone pte and Michael Weeke & Richard Hunt of thother pte? whether did they or ether of them at any tyme befor enter into speaches, deal w<sup>th</sup>, intreat of, or agre w<sup>th</sup> yo<sup>u</sup> vpon the same morgage, orell<sup>e</sup> that they being only psons named vsed & trusted for other<sup>e</sup> in the conveyance of the seid morgage resorted & came first to yo<sup>u</sup>, at & for the execucon & pfecting of the deed<sup>e</sup> of conveyance And to whose behoulf & vse in trust were the seid Weeke and Hunt made pties to the seid morgage? as yo<sup>u</sup> thinke or haue credibly hard: declare the truth vpon yo<sup>r</sup> othe to eu'y poynte.
7. Itm whether did yo<sup>u</sup> or any other pson for yo<sup>u</sup> vpon yo<sup>r</sup> request & intreatie repay and satisfie to the seid Weeke & Hunt the seid 700<sup>li</sup> according to the condicon of the morgage made to them as aforseid who did pay the

same money to them, as yo<sup>u</sup> know or haue credibly hard? whether did he so pay & lay forth the seid 700<sup>li</sup> of his owne pp money, or of yo<sup>rs</sup>, if his owne, then whether haue yo<sup>u</sup> paid or satisfied the same, or any part therof backe agayne vnto hym?

8. Itm whether did yo<sup>u</sup> being p'son' in the Fleete about the said xxxviij<sup>th</sup> yere of the late Quen, vnderstand that Thomas Phillips Esquier was in hand to purchase the manno<sup>r</sup> or Farme of Aldersbrooke, & other lande in Essex of one Henry Bellingham esqr and the compl<sup>t</sup>, for the some of tow thousande three hundred pounde? Whether did yo<sup>u</sup> pmissse to one Henry Smyth gent (an inward Frend to the seid Henry Bellingham) tenne pounde, to pcur the p<sup>r</sup>chase of the seid manno<sup>r</sup> or Farme of Aldersbrooke & lande in Essex to and for yo<sup>u</sup>, out of the seid Phillippe hande, And for, and at such price as he the seid Thomas Phillippe had pmisssed, or was agreed to pay for the same, to the seid Henry Bellingham or to the Compl<sup>t</sup>—And whether was the x<sup>li</sup> aforesaid paid to the seid Smyth accordinglie?

9. Itm whether did the seid Henry Bellingham thervppon for hymself & the said compl<sup>t</sup> enter into speach & communicacon w<sup>th</sup> yo<sup>u</sup>, for sale of the seid manno<sup>r</sup> or Farme, & lande in Essex to yo<sup>r</sup> self, and yo<sup>r</sup> heirs or to such other pson and his heires, as yo<sup>u</sup> shuld appoynt, to take the p<sup>r</sup>chase to yo<sup>r</sup> vse? whether did he at all conferences, betwixt yo<sup>u</sup> and hym in that behalf, say and confidentlie affyrme, that yo<sup>u</sup> shuld pay for the same 2300<sup>li</sup> as the seid Thomas Phillippe shuld haue geuen to hym, otherwisse that he would not sell yo<sup>u</sup> the forseid manno<sup>r</sup> or Farme & lande in Essex. And whether was it in the end accorded & agreed by yo<sup>u</sup> or for yo<sup>u</sup> that he shuld haue his seid price of 2300<sup>li</sup> for the same? And that yo<sup>u</sup> shuld secure the seid Henry and the seid Compl<sup>t</sup> for paym<sup>t</sup> of 2000<sup>li</sup> part of the seid debt by a morgage of Rowley & Ridware Parkes as w<sup>th</sup> condicon of redempcon by payment of 2000<sup>li</sup> at a tyme future? And at what tyme incerteintie? And whether were ther bookes agreed vppon, ingrossed and executed amongst yo<sup>u</sup> accordinglie? Declare the truth.

10. Itm whether was ther any contract or accord betwixt yo<sup>u</sup> & the seid Henry Bellingham, in yo<sup>r</sup> seid p<sup>r</sup>chase of the seid manno<sup>r</sup> or Farme of Aldersbrooke & lande in Essex, that the seid tow thousand pounde, for w<sup>ch</sup> Rowley & Ridware Parkes aforesaid were morgaged as aforesaid, shuld be forborne, & day be geuen yo<sup>u</sup> for payment of the same, but for one yere only? And that vpon vsury, or for any longer or shorter tyme, vppon vsurie? or otherwise in any mann' & sort other than the Indenture or morgage, of the seid Parkes bearing date the xxv<sup>th</sup> day of September in the seid xxxviij<sup>th</sup> yere of the seid late Queene then by yo<sup>u</sup> sealed and delyvered to the seid compl<sup>t</sup>, & acknowledged to be inrolled, doth expreslie purport, specifie, & conteyne?

11. Itm whether was ther any contract, or was it condiconed betwixt yo<sup>u</sup> and the seid Henry Bellingham in the forseid bargayne and sale or morgage to this effect: That if yo<sup>u</sup> did w<sup>th</sup> in a certeyne tyme agreed vppon recovey vnto the seid Henry Bellingham the seid manno<sup>r</sup> or Farme of Aldersbrooke & lande in Essex, And repay vnto hym the seid 2000<sup>li</sup> (for w<sup>ch</sup> the seid parkes in Staffordshire were morgaged vnto the seid Henry) & consideracon for the forbearance therof, That then the conveyaunce aforesaid of the seid parkes, shuld be void? And whether was ther any agreement in yo<sup>r</sup> seid contract or bargayne w<sup>th</sup> the seid Henry Bellingham that yo<sup>u</sup> shuld pay to hym, or to the Compl<sup>t</sup> the some of 200<sup>li</sup> as interest for the forbearance of the seid 2000<sup>li</sup> for any certeyne tyme? And if ther were then for what tyme was such forbearance agreed to be?

12. Itm whether was John Hodgeson of Fleet Lane, and one Rowland Clarke als Lachlade comonly called Captayne Clarke or ether of them, p'vie vnto, p'sent at, or acquaynted w<sup>th</sup> the contract bargayne & agreement betwixt yo<sup>u</sup> and the seid Henry Bellingham, for the seid p<sup>r</sup>chase of the lande in Essex and morgage of the seid parkes to yo<sup>r</sup> knowledg? And whether were ether of them called to be witnesses of the same contract? And how long tyme was it after the seid bargayne sale & morgage effected, befor the seid Rowland Clarke came to be acquaynted w<sup>th</sup> yo<sup>u</sup> or to entemedle and deale for yo<sup>u</sup>, or for the seid Henry Bellingham in yo<sup>r</sup> or ether of yo<sup>r</sup> affayres, towching the said sale & morgage. And from whence was he enlarged to come to yo<sup>u</sup>, by whom? at what & whose charge? and at what tyme of the yere was he so enlarged? Delyver the truth vppon yo<sup>r</sup> oathe.

13. Itm whether did yo<sup>u</sup> about the tyme lymited for redempcon of the seid parkes, by payment of 2000<sup>li</sup> as aforesaid, exhibit yo<sup>r</sup> bill agaynst the Compl<sup>t</sup> into the Chauncery, shewing & alledging therein that yo<sup>u</sup> paid or were to pay to hym for the p<sup>r</sup>chase of Aldersbrooke & other lande in Essex the some of 2300<sup>li</sup>. And that yo<sup>u</sup> gaue to the seid compl<sup>t</sup> securitie for 2000<sup>li</sup> part of that price by the forseid morgage of the seid parkes, And what moved yo<sup>u</sup> then to sett downe such price of the seid purchase, yf yo<sup>u</sup> did contract and accorde for any lesser some of money?

14. Itm whether did yo<sup>u</sup> promise or intend to bestow vpon the seid Henry Bellingham any guifte or Some of money for and inconsideracon of yo<sup>r</sup> p<sup>r</sup>chasing of the forseid lande in Essex, & of the Complayn<sup>t</sup>e acceptaunce of the forseid parkes for the securitie of the seid 2000<sup>li</sup>? or whether did yo<sup>u</sup> promise and intend vnto hym, such guifte & some of money, for his paynes travayle and help, to be taken on yo<sup>r</sup> behalf to compound w<sup>th</sup> yo<sup>r</sup> credito<sup>rs</sup>, And to enlarge yo<sup>u</sup> out of the Fleete, wher yo<sup>u</sup> were p<sup>r</sup>son' as aforseid? And what money did yo<sup>u</sup> so promise & intend to bestowe vpon hym?
15. Itm whether did yo<sup>u</sup> shortly after yo<sup>r</sup> seid p<sup>r</sup>chase of the seid manno<sup>r</sup> or farme of Aldersbrooke & other lande in Essex geue yo<sup>r</sup> warraunt to the seid Frauncis Smyth, & to one Symon Wiseman gent or to eyther of them to receyve any somes of money, of Willm Bourne of the middle Temple London esquier, for or vpon a morgage or sale of the same lande to the seid Willm Bouyne, what somes of money did yo<sup>u</sup> therby appoynt them to receyve of hym? And whether did yo<sup>u</sup> geue vnto them seu'all acquittaunc<sup>e</sup> vnder yo<sup>r</sup> hand vpon yo<sup>r</sup> receipt of the money or part therof from them? And vpon ther accompt<sup>e</sup> geven to yo<sup>u</sup>, how they had imployed the residue in yo<sup>r</sup> busynes & affayres?
16. Itm whether were the seid lande in Essex afterward<sup>e</sup> morgaged by yo<sup>u</sup> or by yo<sup>r</sup> meanes consent & p<sup>r</sup>vitie to S<sup>r</sup> Thomas Leigh Knight for the some of 1000<sup>li</sup> w<sup>th</sup> condicon to redeeme the same after one whole yere ended, by payment of 1100<sup>li</sup>, whether did yo<sup>u</sup> ther vpon move & sollicite the compl<sup>t</sup> by letters and message to pay the seid 1100<sup>li</sup> to the seid S<sup>r</sup> Thomas Leigh, for redempcon of the forseid lande? And whether did the compl<sup>t</sup> pay the same some for yo<sup>u</sup> accordinglie?
17. Itm whether did yo<sup>u</sup> afterward<sup>e</sup> by any meanes move sollicite & deale w<sup>th</sup> the seid compl<sup>t</sup>, to furnishe yo<sup>u</sup> w<sup>th</sup> a farther Some of money for supply of yo<sup>r</sup> occacons whether did he ther vpon pay & delyver or cause to be paid & delyvered to yo<sup>u</sup>, & to such p<sup>r</sup>son or p<sup>r</sup>sons, as came to hym in yo<sup>r</sup> behalf w<sup>th</sup> warraunt to receyve the same, the some of 300<sup>li</sup>? And whether did yo<sup>u</sup> geue acquittance or acquittaunc<sup>e</sup> to hym vpon receipt therof?
18. Itm what some or somes or money to yo<sup>r</sup> knowledg, or as yo<sup>u</sup> veryly thinke, haue yo<sup>u</sup> or any other by yo<sup>r</sup> consent p<sup>r</sup>vitie and warraunt had and receyved for yo<sup>r</sup> or to yo<sup>r</sup> vse, of S<sup>r</sup> Willm Leighton Knight then being Willm Leighton esqr for w<sup>ch</sup> he doth p<sup>r</sup>tend that yo<sup>u</sup> haue aliened the forseid manno<sup>rs</sup> of Hampstall, Ridware, Hathersich als Hathersedge, Rowley parke and sundry other lande tenem<sup>te</sup> & hereditament<sup>e</sup> to hym & to his heirs, by dead of b<sup>r</sup>gayne and sale? And what yerely value by the same manno<sup>rs</sup> lande tenem<sup>te</sup> hereditam<sup>te</sup> w<sup>ch</sup> the seid S<sup>r</sup> Willm p<sup>r</sup>tendeth hymself to haue so p<sup>r</sup>chased of yo<sup>u</sup>? what Somes of money haue bene offred to yo<sup>u</sup> for the p<sup>r</sup>chase of the same by any other p<sup>r</sup>son or p<sup>r</sup>sons. And what price & Somes of money do yo<sup>u</sup> hold and thinke the same manno<sup>rs</sup>, parke, and lande (w<sup>ch</sup> Leighton by his p<sup>r</sup>chase claymeth) to be worth to be sould? Declare the truth to every poynte (as farr as yo<sup>u</sup> can remember) vpon yo<sup>r</sup> oath.
19. Itm whether did yo<sup>u</sup> move sollicite or p<sup>r</sup>uer the seid S<sup>r</sup> Willm Leighton to buye, or compounde for, the interrest and estate of the lord Bushoppe of Coventree & Lychfeild in & to the forseid manno<sup>rs</sup> park<sup>e</sup> & other yo<sup>r</sup> lande & tenement<sup>e</sup>, by vertue of an extent, vpon a Statute marchaunt of 2000<sup>li</sup>, w<sup>ch</sup> yo<sup>u</sup> had absolutely acknowledged to the seid Lord Bushoppe in or about the xxvij<sup>th</sup> yere of the said late Queene, And w<sup>ch</sup> Statute the seid Bushoppe and yo<sup>r</sup>self or thone of yo<sup>u</sup>, w<sup>th</sup> the p<sup>r</sup>vitie and assent of thother, had caused to be extended about the xxxvij<sup>th</sup> yere of the seid late Queene? And to what end, and for what purpose, did yo<sup>u</sup> so move, psuade, sollicite or p<sup>r</sup>uer the seid S<sup>r</sup> Willm Leighton to obteyne and buye the same? Whether did the seid S<sup>r</sup> Willm Leighton ther vpon buye the seid Lord Bushoppes interrest and estate, in and of the forseid Statute & extent? And what price and sume of money paid he for the same? Declare the truth of yo<sup>r</sup> knowledg or what yo<sup>u</sup> haue credibly heard in that behalf./
20. Itm whether hath the seid S<sup>r</sup> Willm Leighton, synce his obtayning and getting of the seid Statute & extente as aforseid, vsed, converted and applyed the same to defraude, overreach and circumvent the seid Complaynaut and sundry other p<sup>r</sup>chasors fermors and credito<sup>rs</sup>: To whom (re vera) yo<sup>u</sup> had made and geven conveyance sales, leases, statutes, and Judgement<sup>e</sup>, of sundry p<sup>r</sup>cell<sup>e</sup> of yo<sup>r</sup> seid lande long befor yo<sup>u</sup> ever entred into any speach w<sup>th</sup> the seid S<sup>r</sup> Willm Leighton or any other p<sup>r</sup>son for hym, of and for any such bargayne or conveyance as he now claymeth and p<sup>r</sup>tendeth to haue from yo<sup>u</sup>? Declare the truth of yo<sup>r</sup> knowledg/

V contd.

Eram<sup>o</sup> capt decimo sexto die Octobris  
 Anno regni dñi nri Jacobi  
 Anglie Fraunc et Hibnie Regē  
 Secundo et Scotie 38<sup>vo</sup> Sup  
 Interr ext<sup>o</sup> Edwardi Bellingham  
 Arquer nunstrat.

Thomas Fitzharbert late of Norburie in the countie of Darbie Esqr now prisoner in the Fleete of the age of 53 yeres or thereabouts sworne &c.

To the 1. Interr this def saith that he is the eldest sonne living of John Fitzharbert esqr deceded & nephew vnto S<sup>r</sup> Thomas Fitzharbert Knight deceded viz the sd John this def<sup>te</sup> Father being next brother & heire apparant of the sd S<sup>r</sup> Thomas Fitzharbert, and the sd S<sup>r</sup> Thomas the eldest sonne living & heire of S<sup>r</sup> Anthony Fitzharbert the late Reverend Judge.

To the 2. Interr this def<sup>te</sup> saith that the sd S<sup>r</sup> Thomas Fitzharbert did for this def<sup>te</sup> better advauncement matche this def<sup>te</sup> in marriage w<sup>th</sup> Elizabeth one of the daughters of John Westby esqr w<sup>ch</sup> sd Elizabeth should haue ben one of the heires of the sd M<sup>r</sup> Westby if he had not afterward<sup>e</sup> married & had a sonne And further saith that the sd S<sup>r</sup> Thomas Fitzharbert for & in consideracon of y<sup>t</sup> marriage solemnized & for other causes did about Aprill in the xx<sup>th</sup> yere of our late Sou'aigne Quene Elizabeth estate or enfeoffe Willm Hawksworth esqr & W<sup>m</sup> Haddocke gen<sup>l</sup> & their heires as this def<sup>te</sup> taketh it of such manners & estates as this def<sup>te</sup> remembreth as are mencioned in this Interr the writinge whereof he this def<sup>te</sup> had at sometymes in his custody but the same were about fowre or five yeres last past as this def<sup>te</sup> hath heard imbesilled or taken away by Anthony Fitzharbert this def<sup>te</sup> brother John Bawford & Richard Topcliff<sup>away</sup> of the custodie of one Ellis Gest & Robert Gressham of London w<sup>th</sup> whome he this def<sup>te</sup> lefte the sd writinge to keepe for him this def<sup>te</sup>, And this def<sup>te</sup> further saith that he verily thinketh y<sup>t</sup> the sd Anthony Fitzharbert & Richard Topcliffe haue now the sd writinge in their hande or possession But further to this Interr this def<sup>te</sup> cannot certenly depose w<sup>th</sup> out sight of the saied writinge

To the 3. Interr this def<sup>te</sup> saith that he verily thinketh that the sd S<sup>r</sup> Thomas Fitzharbert this def<sup>te</sup> vnclē & John Fitzharbert this def<sup>te</sup> Father & Richard Fitzharbert gen<sup>l</sup> this def<sup>te</sup> vnclē did in or about the 25. or 26. yeres of the sd late Quene make & contrive other conveiaunce of the saied Mannors Lande & tenement<sup>e</sup> to the entent to disinherite & barre the def<sup>te</sup> of the Remaynders limited vnto this def<sup>te</sup> or to disable this def<sup>te</sup> to dispose of the sd manners Lande tenem<sup>te</sup> & other premisses as a Tennte in taile mighte doe, But for the more certentie touching what is the whole effecte of the saied conveiaunces this def<sup>te</sup> referreth himself to an aunswere of Laurence Wright of Snelsou in the county of Darbie gen<sup>l</sup> remayninge of Record in the Courte of Chauncery, w<sup>ch</sup> aunswere was there made by the sd Wright in Hillarie or Easter terme in the 34. yere of the late Quene as this def<sup>te</sup> taketh it

To the 4. Interr this def<sup>te</sup> saith that he having notice of the Conveiauncie & purpose aforesd did take councell & advice how he might avoied & prevent the workinge & effecte of the said conveiaunce & collaterall warranty for this def<sup>te</sup> owne benefitt, and for to barre the sd collaterall warrantie he this def<sup>te</sup> was advized by his Councell learned to marke entries into the sd Lande, and therevpon he this def<sup>te</sup> made an entrie into certen of the Lande in Staffordshere in the name of all the Lande in y<sup>t</sup> countie & also made entrie into certen lande in the Lordship of Hathersedge & Padley in the hundred of the High Peake in darbieshere in the name of all the lande in that hundred but this def<sup>te</sup> made not anie entrie into anie theother Lande All w<sup>ch</sup> entries he this def<sup>te</sup> caused to be sett downe in writinge according to the day & yere when they were made but the same writinge was since imbesilled from this def<sup>te</sup>

To the 5. Interr this def<sup>te</sup> saith that in or about February about 8 or 9 yeres past he this def<sup>te</sup> did mortgage vnto one Michael Week<sup>e</sup> & Richard Hunte Rowley & Ridware Parke in the County of Staff & other Lande in the County of Darby specified in the same deed of morgage for the som of 700<sup>li</sup>. or thereabouts as this def<sup>te</sup> taketh it as may certenly appeare by the sd deede the certen Som this def<sup>te</sup> cannot now remember w<sup>ch</sup> monie was to be repaid by this def<sup>te</sup> vpon or about the first day of May in the xl<sup>th</sup> yere of the sd late Quene as this def<sup>te</sup> now rebreth, the certenty whereof this def<sup>te</sup> cannot now sett downe because one Willm Leighton gen<sup>l</sup> lately made

Knight whome he this deft did putt in trust to redeeme the sd morgage did faile therein contrary to his bargaine & faithfull promise made to this deft in that behalf & now the sd W<sup>m</sup> Leighton wrongfully detaineth from this deft the Counterpte of the sd morgage And this deft saieth that Anthony Diott councellor at Law who then had yerely fees of this deft graunted by Patent to be of this defe<sup>te</sup> councell & also one Richard Barber cosin to the sd Diott did entreate & conclude wth this deft about the sd morgage in the behalf of the sd Week<sup>e</sup> & Hunt

To the 6. Interr<sup>r</sup> this deft saieth that he did comitt & referre the makinge of the conveiaunce of the sd morgage vnto the sd Anthony Diott who had two Patent<sup>e</sup> for yerely Fees of this deft to be of this def<sup>te</sup> councell viz one for xx<sup>ii</sup> yerely for 7. yeres space next after this deft came to the land<sup>e</sup> & one other Patent for xx<sup>ty</sup> m'ke yerely during his life after the sd 7. yeres expired besides other yerely proffitt<sup>e</sup> as may appeare by the sd Patent<sup>e</sup> And further this deft saieth that the saied Conveiaunce or morgage of the sd land<sup>e</sup> was drawne onely by the sd Anthony Diotts advice & councell & made betwixt this deft of the one pte & Michael Weekes & Richard Hunte of the other pte And this deft saieth that he doth not remember that before the sd Anthony Diott & Barber concluded the sd bargaine of morgage w<sup>th</sup> this deft that the sd Weekes & Hunte or either of them did enter into anie speches with this deft vpon the same morgage they y<sup>en</sup> being altogeth<sup>er</sup> straungers to this deft; But the sd psons after the sd Diott & Barber had so concluded came vnto this deft about the same matter to make a finall end thereof, And since that tyme he this deft hath ben given to vnderstand for a certenty & truth by Richard Edward<sup>e</sup> gent principall of Clement<sup>e</sup> Inne that the sd Weekes & Hunte were but vsed & trusted for the sd Dyott & Barber also for him the sd Edward<sup>e</sup> himself in the conveiaunces of the saied morgage, And that the aforesd 700<sup>ii</sup> was pte thereof the sd Antho: Diott<sup>e</sup> & pte the sd Rich Barbers & also some oth<sup>er</sup> pte thereof his the sd Richard Edward<sup>e</sup> monie And so the sd Edward<sup>e</sup> hath wthin the sd two yeres or thereabout<sup>e</sup> at Divers tymes confessed vnto this deft And further saieth that at or about the tyme of the sealing of the sd morgage he this deft by the advice of the sd Anthonie Diott (to therewth to prevent all advantages that might be taken against the sd Weekes & Hunte vpon the statute of vsury by reason of the sd morgage) did seale & deliu' to the aforesd Rich Edward<sup>e</sup> a lease of the sd Rowley & Redware Parkes duringe the time of the sd morgage paieing to this deft xxx<sup>ii</sup> for the same by the yeare whereof he this deft never yet to this day received anie pte or pcell nor could gett<sup>anie</sup>.

To the 7. Interr<sup>r</sup> this deft saieth that a good tyme after viz half a yeare & more after this deft had so morgaged the aforesd Parke & land<sup>e</sup> to the sd Week<sup>e</sup> & Hunte he this deft did bargaine & agree w<sup>th</sup> one Henry Bellingh<sup>m</sup> gen<sup>r</sup> to redeme the sd land<sup>e</sup> from the sd Week<sup>e</sup> & Hunte at the day limited in the sd morgage & so pay them the aforesd 700<sup>ii</sup> according to the Condicon of the sd morgage vpon w<sup>ch</sup> sd bargaine the sd Henry Bellingham caused the conveiaunc<sup>e</sup> & writing<sup>e</sup> to be made from this deft in the now Comp<sup>ts</sup> name as a man in truste and afterwarde the sd Comp<sup>t</sup> as this deft is certified did according to the tyme limited by the morgage aforesd (the sd Henrie being then dead) pay the sd 700<sup>ii</sup> vnto the sd Week<sup>e</sup> & Hunte & so redeemed the sd morgage of and with his the sd Comp<sup>te</sup> owne monie for anie thinge this deft knoweth whereof he this deft hath not hitherto paid or satisfied anie pte backe againe to the said Comp<sup>t</sup> nor to anie other pson

To the 8. Interr<sup>r</sup> this deft saieth that he being prisoner in the Fleete about the 38<sup>th</sup> yere of the late Queene did vnderstand by Henry Bellingham gen<sup>r</sup> that Thomas Phillips esq<sup>r</sup> had been about to purchase the mannor or Farme of Aldersbrooke & other land<sup>e</sup> in Essex of him the sd Henr<sup>r</sup> Bellingh<sup>m</sup> & the now Comp<sup>t</sup> for the some of Two Thowsande threehundred pound<sup>e</sup> or thereabouts And saieth that he this deft did promise to Henry Smythe mencioned in this Interr<sup>r</sup> x<sup>ii</sup> but whether it was to procure the purchase of the sd mann<sup>r</sup> or farme & land<sup>e</sup> to & for this deft owt of the sd Phillips hand<sup>e</sup> or not for such Price as the sd Phillips was to paie for the same this deft doth not remember w<sup>ch</sup> x<sup>ii</sup> he this deft doth not remember whether it was paid to the sd Smithe or not.

To the 9. Interrog this deft saieth that the sd Henry Bellingh<sup>m</sup> did therevpon for himself & the now Comp<sup>t</sup> enter into speach & comunicacon w<sup>th</sup> this deft for sale of the sd mannor & Land<sup>e</sup> in Essex to this deft & his heires or to such other pson & his heires as this deft should appointe to take the sd purchase to this defe<sup>te</sup> vse, the sd Henry Bellingh<sup>m</sup> allwaies saieng to this deft that this deft should paie for the same 2300<sup>ii</sup> as the sd Tho: Phillipps should haue given to him or otherwise that he would not sell it And saieth that in the end it was agreed by this deft that the sd Henry should haue of this deft two thowsand pound<sup>e</sup> for the same, but how or in what manner Symon Wiseman Edmund Browne & others who were contrivers of y<sup>t</sup> bargaine betwene the sd Henry

& them conclude to give the other 300<sup>li</sup> this debt cannot depose But saith that it was agreed that this debt should secure the sd Henry & the sd Comp<sup>t</sup> for payment of 2000<sup>li</sup> pte of the sd 2300<sup>li</sup> by a morgage of the sd Rowley & Redware Parke w<sup>th</sup> Condicon of redempcon by payment of the sd 2000<sup>li</sup> at a tyme future viz w<sup>th</sup> in a yere or thereabouts And this debt saith that there were booke agreed vpon ingrossed & executed between the now Comp<sup>t</sup> & this debt concerninge the sd Rowley & Redware Parke to the vse of the aforesd Henry Bellinghm, But the sd Henry & the now Comp<sup>t</sup> did not passe by conveiaunce vnto this debt the sd mannor or farme of Aldersbrooke & lande in Essex, but it was agreed that they should at all tyme passe over the same to such psons as this debt should nominate to the vse of this debt but before this debt had nominated hime the saied Henry died, and so that the reason why the same was not by writinge conveied over was because this defe<sup>te</sup> councill could not find that the sd Henry or the now Comp<sup>t</sup> had anie good or sufficient estate in Law from S<sup>r</sup> Robert Dudley Kt then esqr of the said lande.

To the 10 Interr this debt saith that there were sondrie other contractes & agreemente betwixt this debt & the sd Henry Bellinghm in this defe<sup>te</sup> sd purchase of the saied mannor & lande in Essex for w<sup>ch</sup> the sd Rowley & Redware Parke & lande aforesd were morgaged in other manner & sorte then the Indenture of Morgage of the sd Parke bearing date vpon or about the xxv<sup>th</sup> day of September in the 38<sup>th</sup> yere of the late Quene then by this debt sealed & deliu'ed to the now Compl<sup>t</sup> doth expresly purporte & containe, But for the certentie what those other contracts & agreements were this debt doth not remember, but referreth himself to the testimonie of Symon Wiseman & Edmund Browne now living who togeth<sup>r</sup> w<sup>th</sup> Fraunce Smith & W<sup>m</sup> Howe now decesed were the onely contrivers procurers makers and concluders of the sd bargaine for the sd lande betwene the sd Henry Bellinghm & this debt.

To the 11. Interr this debt saith that there was not to this defe<sup>te</sup> vttermost remembraunce anie such contracte or Condicon betwixt this debt & the sd Henry Bellingham on the foresaid bargaine & sale & morgage concerning the recouereay of the sd mannor or farme of Aldersbrooke & lande in Essex as is mencioned in this Interr for the sd Henrie never made anie assurance of the lande to this debt nor caused the sd Comp<sup>t</sup> to make anie neither was there anie other agreement in the sd contracte & bargaine w<sup>th</sup> the sd Henry Bellingham concerninge the sd 2000<sup>li</sup> then is mencioned in the aforesd Indenture betwene the now Comp<sup>t</sup> & this debt otherwise then was made & concluded by the aforesd Simon Wiseman, Edmund Browne Francis Smith & Willm How, But there was some talke & speaches betwene the sd Henry & this debt concerninge the payment of Three hundred pounde as this debt thinketh & now remembreth over & above the aforesd Two Thowsand Poundes the certenty of w<sup>ch</sup> speches this debt doth not reber nor can say wheth<sup>r</sup> the same 300<sup>li</sup> was for interest monie or not But therein this debt also referreth himself to the testimonie of the aforesd Wiseman & Browne.

To the 12. Interr this debt saith that neith<sup>r</sup> John Hodgeson & Rowland Clarke mencioned in this Interr nor either of them were p'vy present at nor at the first acquainted to this defe<sup>te</sup> knowledge & remembraunce w<sup>th</sup> the contracte bargaine & agreement betwixt this debt & the sd Henry Bellingham for the purchase of the sd Lande in Essex & morgage of the sd pke nor called to be witnesses to the sd Contracte to this defe<sup>te</sup> rebrance And saith that it was about five monethes as this debt now rebreth after the sd contracte & bargaine effected that the sd Rowland Clarke was brought acquainted w<sup>th</sup> this debt & then the aforesd Henry Bellinghm brought the sd Clarke to this debt into the Fleete, And also nere about the same tyme one W<sup>m</sup> How then a prisoner in the Fleete brought the aforesd John Hodgeson acquainted w<sup>th</sup> this debt And further this debt saith that he did imploy the said Clarke to deale for this debt touchinge the sd sale & morgage, and in what matters the sd Henry Bellinghm did imploy the sd Clark this debt cannot certenly say And more he cannot certenly sy to this Interr.

To the 13. he saith that he did about the tyme limited for redempcon of the sd Parke by payment of 2000<sup>li</sup> as aforesd exhibite his bill against the now Comp<sup>t</sup> into the Court of the Chauncery shewing therein that this debt paid or was to pay to the sd Comp<sup>t</sup> for the purchase of Aldersbrooke & other lande in Essex the som of 2300<sup>li</sup> & that this debt gaue the sd Comp<sup>t</sup> security for 2000<sup>li</sup> pte of that price by the morgage of the sd two Parke And this debt saith that he was moved so to sett downe because it was agreed that this debt should pay for Aldersbrooke & the sd lande in Essex (two thowsand pounde, and)<sup>7)</sup> the oth<sup>r</sup> 300<sup>li</sup> according to the agreement of the sd Wiseman Browne & other the psons aforesd And saith that the sd Henry Bellinghm did able to this debt

that Aldersbrooke was worth to be sold Two Thowsande or 19. hundred pounde at y<sup>e</sup> lest & he the sd Henry promised to compoude w<sup>th</sup> this defe<sup>te</sup> Creditors & to giue them security for their dett<sup>e</sup> owing them by this deft. and also to free this deft owt of the Fleete for so much as this deft y<sup>en</sup> laie in the Fleete for & the sd Henrie was also (to) pforme & keepe the trust reposed in him by this deft for all matters betwixt y<sup>em</sup>

To the 14. Interr<sup>r</sup> he saie<sup>th</sup> that the sd 2300<sup>l</sup> w<sup>ch</sup> the sd Phillipps should haue given for the sd Lande in Essex was more by 300<sup>l</sup> then the same lande were worth in this def<sup>te</sup> iudgement notw<sup>th</sup> standing because the sd Henry Bellingham should procure of the now Comp<sup>te</sup> acceptaunce of the sd Parke for security of the sd 2000<sup>l</sup> & also compound for this def<sup>te</sup> dett<sup>e</sup> & give security for w<sup>ch</sup> he then lay in the Fleete & free this deft from thear & keepe the trust reposed in him by this deft he this deft was contented & did promise the sd Henry to giue as much for the sd lande in Essex as the sd Phillipps should haue done, this deft meaninge & intending that by giving the sd 2300<sup>l</sup> the sd Henry should haue a sufficient considera<sup>con</sup> owt of the same But this deft did not pmise or intende to bestowe vpon the saied Henry Bellingham anie other guifte or som<sup>m</sup> of monie for anie other matter.

To the 15. Interr<sup>r</sup> this deft saie<sup>th</sup> that after the agreement for the sd bargaine had w<sup>th</sup> the sd Henry Bellingham for the sd mannor of Aldersbrook & other Lands in Essex he this deft did giue his warrant vnto Frauncis Smithe & Symon Wiseman menconed in this Interr<sup>r</sup> to receive of W<sup>m</sup> Bourne of the middle Temple London esqr the som<sup>m</sup> of 600<sup>l</sup> as this deft now rebreth vpon a morgage or sale of the sd lande made by the sd Henry & the now Compl<sup>t</sup> to the sd W<sup>m</sup> Bourne And saie<sup>th</sup> that of & for so much monie as he this deft received of the sd Smith & Wiseman for the same matter w<sup>ch</sup> was to the som<sup>m</sup> of 230<sup>l</sup> as this deft now remebreth or therabout<sup>e</sup> he this deft gave vnto them Acquittaunce for the same as he verily thinketh but whether the sd Smith & Wiseman receiued anie more of the sd 600<sup>l</sup> or not or how they imploied the same this deft cannot c<sup>t</sup>enly depose but the sd Wiseman hath told this deft that the aforesd Henry Bellingham toke the residue of the sd monie to his owne vse & bestowed the same at his pleasure

To the 16. Interr<sup>r</sup> this deft saie<sup>th</sup> that the saied Lande in Essex were afterward<sup>e</sup> morgaged by this def<sup>te</sup> consent & privitie vnto S<sup>r</sup> Thomas Leigh Kt as this deft was informed for the som<sup>m</sup> of 1000<sup>l</sup> w<sup>th</sup> condic<sup>on</sup> to redeeme the same after one whole yere ended by payment of 1000<sup>l</sup>. But this deft never sawe the writinge made for the sd morgage neither did this deft make meanes to morgage the sd lande but the aforesd W<sup>m</sup> Leighton now Knight by y<sup>e</sup> procurement of the sd Henry Bellingham & the now Compl<sup>t</sup> made meanes & sollicit<sup>e</sup> to haue the sd lande morgaged vnto the sd S<sup>r</sup> Thomas Leigh to them to redeeme the same forth of the sd W<sup>m</sup> Bourns hande & the sd W<sup>m</sup> Leighton did receive a hundred pounde for brocage for the same And further this deft saie<sup>th</sup> that he is certenly informed that the now Compl<sup>t</sup> did afterward<sup>e</sup> at the sd yeres end paie 1100<sup>l</sup> for the redemp<sup>con</sup> of the saied Landes, But this deft cannot now call to his Remembraunce whether he this deft did move & sollicite the now Comp<sup>t</sup> by Lrer & messages to paie the sd 1100<sup>l</sup> to the sd S<sup>r</sup> Tho: Leigh for redemp<sup>con</sup> of the saied Lande or not.

To the 17. Interr<sup>r</sup> this deft saie<sup>th</sup> that he did afterward<sup>e</sup> by the mo<sup>con</sup> or pswacon of Anthony Fitzharbert this defe<sup>te</sup> brother & of John Bawforde this defe<sup>te</sup> seruaunte move and sollicite to deale w<sup>th</sup> the now Comp<sup>t</sup> to furnishe this deft w<sup>th</sup> a further som<sup>m</sup> of monie for suplie of this defe<sup>te</sup> occasions and therevpon the sd Compl<sup>t</sup> did deliver vnto them in this defe<sup>te</sup> behalf w<sup>th</sup> a warrant to receive the same the som<sup>m</sup> of 300<sup>l</sup> And he this deft did give Acquittaunce or acquittauncs for the same. as he now remembreth.

To the 18. Interr<sup>r</sup> this deft saie<sup>th</sup> that he did heretofore morgage vnto Willm Leighton gent now knight the manno<sup>rs</sup> of Hampstall Ridware Rowley & Ridware Parke & diu's other Lande in the countie of Staff and Darbie to the end & in considera<sup>con</sup> that the sd S<sup>r</sup> Willm Leighton should satisfie & paie to the now Compl<sup>t</sup> all such detts as this deft owed to Henrie Bellingham & the now Comp<sup>t</sup> as also to redeme from the sd Compl<sup>t</sup> the morgage of all this def<sup>te</sup> lande in y<sup>e</sup> countie of Staffe And also in considera<sup>con</sup> that the sd S<sup>r</sup> W<sup>m</sup> Leighton should redeme a morgage of certen this def<sup>te</sup> lande w<sup>ch</sup> this deft had made to Richard Topcliff esqr, & also redeme anoth<sup>r</sup> morgage w<sup>ch</sup> this deft had made of certen his lande to one Rowland Eyre gen And in considera<sup>con</sup> that the sd S<sup>r</sup> W<sup>m</sup> Leighton should also pay & discharge for this deft his dett<sup>e</sup> being then in whole to the value of Five or six Thowsand Pounde whereof the sd lande morgaged were the principall to be discharged he the sd S<sup>r</sup> Willm then at the tyme of the sd morgage deeply by othe protesting vnto this deft in the hearing of diu's psons that he was able to take vpp vpon his bondes or bills in London five or six Thowsand Pounde at his pleasure But this

deft cannot say of his knowledg nor can yet certenly learne what or how much the sd S<sup>r</sup> W<sup>m</sup> Leighton hath paid for this defe<sup>t</sup> or to his vse in consideracon of the sd morgage but whatsoever the sd S<sup>r</sup> W<sup>m</sup> Leighton hath as he pretendeth paied to this deft or to anie other pson to this defe<sup>t</sup> vse or in his behalf he this deft vpon prooffe & knowledg thereof wilbe ready to repay & satisfie againe to the sd S<sup>r</sup> W<sup>m</sup> Leighton And this deft saith that the manno<sup>rs</sup> Lande tenem<sup>te</sup> & hereditament<sup>e</sup> w<sup>ch</sup> the sd S<sup>r</sup> W<sup>m</sup> Leighton pretendeth to haue purchased or to haue an estate in from this deft by the sd morgage are worth to be solde Twentie thowsand Pownde & aboue for he this deft hath ben offered so much for them, and this deft taketh the same landes to be better worth then a Thowsande Pownde by the yere if the best be made of them And further saith that he hath ben offered Fowre Thowsande Pownde for the sd two Parke called Rowley & Redware onely.

To the 19. Interrog this deft saith that after this deft had acquainted the sd W<sup>m</sup> Leighton now knight w<sup>th</sup> a statute of 2000<sup>th</sup> w<sup>ch</sup> this deft had entered into vnto the Bisshop of Couentry & Lichefeild & that the sd Bisshop owed vnto this deft a hundred pounde w<sup>ch</sup> he this deft had lent the sd Bisshop some yeres before the sd W<sup>m</sup> Leighton now knight did of himself buy or compoude for the interest & estate of the sd Lo: Bisshop in & to the foresaid manno<sup>rs</sup> Parke & other of this defe<sup>te</sup> Lands & tenement<sup>e</sup> by virtue of an Extent vpon the sd Statute & the sd W<sup>m</sup> Leighton concluded for the some w<sup>th</sup> out this def<sup>te</sup> privity w<sup>ch</sup> statute he this deft had acknowledged to the sd Lord Bisshop in & about the 28 yere of the late Queene w<sup>ch</sup> sd statute he this deft intreated & at this def<sup>te</sup> owne cost<sup>e</sup> & charged procured by the meanes of Doctor Borbunton Chancellor to the sd Bisshop & of Anthonie Diott this defts feed Councillor the sd Bisshop to extende about the 36 or 37<sup>th</sup> yere of the late Quene for the better releif of this deft & of his poorest Creditors, to thend that the richest & greatest of this defe<sup>te</sup> Creditors should not oppresse this deft & his sd poorest Creditors to the danger of their p'sent ruine & ou'throwe But what price or som<sup>m</sup> of monie the sd W<sup>m</sup> Leighton now knight paied for the saide Bisshops interest this defe<sup>t</sup> doth not knowe but as this deft is informed he hath reported that he paid two or three hundred pounde for the sd Statute, although this deft saith that the sd Bisshop had no lawfull or iust cause so to sell or passe ou' the sd statute of 2000<sup>th</sup> because he was never damnified to this defe<sup>te</sup> knowledge nor as he hath heard by or concerning the matter wherevpon the sd statute was acknowledged w<sup>ch</sup> sd Bisshop yet oweth to this deft the 100<sup>th</sup> aforesd.

To the 20. Interr he saith that the sd W<sup>m</sup> Leighton now knight hath since his obtayninge & gettinge of the sd Statute & extente converted & applied the same (as it appeareth to this defe<sup>t</sup>) to defraude overreache & circum-vent the now Comp<sup>t</sup> & other this defe<sup>te</sup> Creditors to whome this def<sup>t</sup> had made & owen conveiauncs sales leases statut<sup>e</sup> & iudgement<sup>e</sup> of sundry pcells of this def<sup>te</sup> sd lande before he ever entered into speache w<sup>th</sup> the sd W<sup>m</sup> Leighton now knight or anie other pson for him for anie such bargaine or conveiaunce as he claymeth & p'tendeth to haue from this defe<sup>t</sup> And also the sd W<sup>m</sup> Leighton now knight hath therein defrauded overreached cozoned & abused this deft conc'ning his sd Landes contrary to the truste & confidence w<sup>ch</sup> this deft reposed in him/contrary to his deepe voves oathes & Protestacons made to this deft in that behalf.

Signed A FITZHERBERT

\*

Wm Leighton Esqr Walter Massey & John Hodgeson defend<sup>te</sup> against Edw Bellingham Esqr Comp<sup>lt</sup> to be examyned severally vpon these Interrogations./

Willm Leighton. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. & 20<sup>th</sup> Interr  
 Walter Massey to the. 1. 2. 3. 6. 10. 16. 17. 18. 19. 20. 21. & 22<sup>th</sup> Interr.  
 John Hodgeson to the 1. 2. 4. 5. 23. 24. & 25 Interrogations.

7<sup>o</sup> die Julij  
1601 Rec xs  
Th : M

Interragatories to be ministred to William Leighton esquire Walter Massy &  
John Hodgson defd<sup>tt</sup> At the suyte of Edward Bellingham Esquire Complayn

1. Imprimis whether did you knowe Edward Bellingham the Comp<sup>lt</sup> & Thomas Fitzherbert Esquire on of the def<sup>tc</sup> & whether did you knowe Henry Bellingham deceased brother to the said Edward Bellingham how longe haue you knowen them and every of them, & when, wher, how, & vpon what occasion or meanes, did you at the first become acquainted w<sup>th</sup> them & eu'y of them?
2. Itm whether doe you knowe Rowley & Ridware p<sup>ke</sup> in the County of Staff & c'ten Tenements & Farmes in Hathersich als Hathersedge in the County of Darby called or Comonly knowen by the names of Overhurst Netherhurst Over Hall and Boothes. And whether were the said p<sup>ke</sup> & tenement<sup>e</sup> or Farmes, theinheritaunce of the said Tho: Fitzherbert, and what estate had he in the same, declare the trueth of yo<sup>r</sup> knowledge & Consience in that behalf /
3. Itm whether did the said Tho: Fitzherbert on or about the seaven and Twentieth day of February in the eight & thirtieth yere of her ma<sup>te</sup> reigne, by his Indenture of bargaine & saile and other good assurance in the lawe absolutely Convey and assure the said p<sup>ke</sup> and Tenements or Farmes to Michael Wyke, Richard Hunte and to their heires for eu' for the some of Seaven hundreth pounde in hand paid to the said Fitzherbert And whether did the said Wyke & Hunte by their Indenture of bargaine and Sale, bearing date the eight & twentieth day of the said February reconvey the said Park<sup>e</sup> & tenement<sup>e</sup> to the said Tho: Fitzherbert and his heires, w<sup>th</sup> this p<sup>visoe</sup> that if the said Tho: Fitzherbert his heires or assignes, should not pay to the said Wyke & Hunte their heires or assignes, the some of Seaven Hundreth pounde vpon the first day of May, in the yere of o<sup>r</sup> lord god 1598. That then it should be lawfull for them the said Wyke & Hunte, and their heires to reenter and haue againe the p<sup>misses</sup>. And to whose vse and behoulf was the said bargaine or mortgage in trueth ment & intended to be, albeit the said Wyke & Hunte had their names vsed in the conveyance as aforesaid, declare the trueth of yo<sup>r</sup> knowledge & what you haue credibly hard thereof. /
4. Itm whether did the said Tho: Fitzherbert purchase of the said Edward Bellingham the mannor of Aldersbrooke & other lande in Essex, & for what price did he purchase the same, whether should he pay to the said Edward, Thre and twenty hundreth pounde for the same or what some & whether did Tho: Fitzherbert pay the same price, or any pte thereof & how much in hande or shortly after the p<sup>r</sup>chase, & w<sup>th</sup> in what space. / ?
5. Itm whether did the said Tho: Fitzherbert on or about the Five & twentieth daye of September in the said eight & thirtieth yere, for the security of payment of two thowsand pounde oweing to the said Edward Bellingham for & vpon the purchase of the said lande in Essex by Indenture of bargaine & sale & other good assurance, Convey the said p<sup>ke</sup> & tenement<sup>e</sup> or Farmes to the Comp<sup>lt</sup> & his heires, vpon Condicon that if the said Fitzherbert repaid to the said Comp<sup>lt</sup>, the some of two thowsand pound at or vpon the nyntenth day of Nouember in the yere of o<sup>r</sup> lord god 1597, That then the said assurance should be void or otherwise to stande in full force. / ?
6. Itm whether did the said Edward Bellingham of his owne good<sup>e</sup> pay the some of seaven hundreth pounde to the said Wyke & Hunte at the day tyme & place appoynted in that behaulf for the saffety of his owne interest & estate in & to the said p<sup>ke</sup> & tenement<sup>e</sup>? And if payment thereof had not bene made by hym whether should not the said wyke & Hunte or such other p<sup>sons</sup> in whose behaulf their names were vsed haue had and inioyed the said p<sup>ke</sup> and tenement<sup>e</sup> from the said Fitzherbert, and all other p<sup>sons</sup> clayming from by or vnder him? Declare yo<sup>r</sup> consience and knowledge in that behaulf
7. Itm whether did you at the tyme that you tooke an estate of the p<sup>r</sup>misses frō Fitzherbert, knowe that he had made a former Conveyance to the Compl<sup>t</sup>, wherefore did you enter into bargaine for that w<sup>ch</sup> was sould before, whether did you of yo<sup>r</sup> self enter into that bargaine or were you drawn into it by others, by whose meanes & p<sup>swation</sup> were you drawn to enter into the same & what money did you trewly pay for the same? Declare the trueth vpon yo<sup>r</sup> othe /
8. Itm whether did you or the said Fitzherbert make payment or tender of the said two thowsand pounde to the said Edward Bellingham vpon the said nyntenth day of Nouember 1597 according to the Condicon & p<sup>viso</sup> of the said Indenture for the redemption of the said p<sup>ke</sup> & tenement<sup>e</sup> or at any tyme sythence And whether did you or

the said Fitzherbert make payment or tender of the said Seaven hundreth pounde to the said Wyke & Hunte at the day aforesaid p'fixed for the payment thereof?

9. Itm whether had you and the said Fitzherbert after yo<sup>r</sup> purchase any conference together how to avoyd and keepe out the said Edward Bellingham from the foresaid lande, and what was theeffect thereof, did not the said Fitzherbert tell you that p<sup>r</sup>chasing of the extent in the Bill of Complaynt menconed from the Bishopp of Coventry & Lichfeild, to yo<sup>r</sup> self, or to some others to yo<sup>r</sup> vse would be a good meanes to p<sup>r</sup>serve you in the possession of the p<sup>r</sup>misses & to keepe out the Comp<sup>ts</sup> & whether did you p<sup>r</sup>chase the extent to that end, whether was the Bishopp in possession of the p<sup>r</sup>misses when you bought the same, or how longe before had he bene in possession declare vpon yo<sup>r</sup> othe. / ?

10. Itm whether did Tho: Fitzherbert cause the said extent (vpon the statute of Two thowsand pounde acknowledged to the said Bishopp) to be pursued at his owne Coste & Chardge & whether were the lande & tenement therevpon extended deliu'ed to the servante of the said Thomas Fitzherbert, w<sup>th</sup> intent to ymploy the same for his good? And whether did the said Tho: Fitzherbert, after the said extent, Continually, by himself & his servante, lett & dispose the said lande? & whether did he & his farmers & tennante take & invey the rente & pffitte of the same. /

11. Itm whether did you buy the said extent of the said Bishopp & what some or somes of money & other consideracon paid you for the same to whome was the assignement thereof made & to what & whose vse and behoulf, & by whose direction & advise, did you pcure the said interest to be soe assigned ouer / ?

12. Itm whether did you after the said p<sup>r</sup>chase clayme the possession of the p<sup>r</sup>misses, by vertue of the extent of the said Bishopp? And whether did you ymediatly therevpon enter into the said p<sup>r</sup>ke by stroung hande, & haue ouerseine taken & inieyed the pffitte of the same from the said Edward Bellingham. / ?

13. Itm whether did you retayne into service the said Rowland Clarke & what benefitt pffitt or reward in money land or lease haue you given or p<sup>r</sup>ised to the said Rowland or to Edmound Browne John Hodgson & James Sturdy or any of them? and how and in what sorte haue they or any of them deserved such benefitte gulte or reward from you or at yo<sup>r</sup> hande? /

14. Itm whether did you, or any other by yo<sup>r</sup> privyty, consent or appoyntment move pswade or direct Rowland Clarke John Hoadgson Edmound Browne & James Sturdy in the Bill of Comp<sup>lt</sup> menconed or any of them to depose seu'ally in such sorte, as in the said Bill of Comp<sup>lt</sup> is Conteyned, thereby to prove the said bargaine & sale of the said p<sup>r</sup>ke to be corrupt & vsurious? And whether did you appoynt them or any of them to haue his or their depositions, written downe in pap before they came to be examined in Courte, & by whome were their or any of their depositions soe written downe for them, declare the trueth vpon yo<sup>r</sup> othe?

15. Itm whether had you in yo<sup>r</sup> custody any coppies of the forsaid depositions of the said Clarke Hodgson Browne & Sturdy or of any of them, before publicacon of the same deposition, by whose deliu'y had you the same coppies and whether did you shew and reade the said coppies to any p<sup>r</sup>son or p<sup>r</sup>sons before publicacon thereof had, and to whome did you soe shew or reade the same before publicacon?

16. Itm whether did Edw: Bellingham esqr, sonne of the said Comp<sup>lt</sup>, vpon a lease for years made to him by his said father of the said p<sup>r</sup>ke bringe an action of eiectione firme about michielmas tearme last, against Walter massy Richard Deebanck & others, for eiecting him out of two hundreth acres of pasture in Ridware Hamstall in the bill of Comp<sup>ts</sup> menconed, and whether after yssue ioyned in that suite came the same to a tryall by nisi prius at the last lent assizes houlden for the said County of Staffe whether did you defray & pay the coste & chardge of the said defen<sup>dte</sup> in the said suite & at the same tryall & for what cause did you soe. / ?

17. Itm whether did you before the said tryall conferre w<sup>th</sup> any of the Jury, ympannelled for the same tryall & what was y<sup>e</sup> effect of yo<sup>r</sup> conferrence whether did you move or intreat any of them directly or indirectly by lres or otherwise for apparaunt favour or verdict? And whether did you pcure any other p<sup>r</sup>son or p<sup>r</sup>sons, & whome, to conferre w<sup>th</sup> & move any of the said Jury aforehand to that purpose & end? Declare the trueth vpon yo<sup>r</sup> oth

18. Itm whether did you send or pcure the said Rowland Clarke to be a wittnes for the def<sup>t</sup> at the said tryall?

And whether did you aforehand conferre w<sup>th</sup> him of his testimony thereat what was the effect of yo<sup>r</sup> conference w<sup>th</sup> him? And whether did you move p<sup>r</sup>swade or advise him to give such evydence at the same tryall as ys in the bill of comp<sup>t</sup> conteyned? Declare the trueth vpon yo<sup>r</sup> othe. /

19. Item whether did you conferre consult & aduise w<sup>th</sup> the seid Walter massy Rowland Clarke Robert Cossall & Symon Baddam or any of them or w<sup>th</sup> any other p<sup>r</sup>son or p<sup>r</sup>sons & w<sup>th</sup> whome before the Sessions for the said County of Staff houlden at Staffe the one and twentieth day of aprill last past how & by what meanes a Bill of inditement might be p<sup>r</sup>ferred against Richard Edward<sup>e</sup> gent for corrupt & willfull piury supposed to be comitted by him at the tryall aforesaid eiectione firme whether did you examine them or any of them what evydence they or any of them could give in that behaulf against the said Edward<sup>e</sup> And whether did you or any other & who by yo<sup>r</sup> privity consent or appoyntment instruct direct incorrage & advise them or any of them to depose & deliu' their evydence against the said Edward<sup>e</sup> at the said sessions in such sorte as in the bill of Comp<sup>t</sup> is expressed And wherefore did you soe Declare the trueth to eu'y poynte vpon yo<sup>r</sup> othe. /

20. Itm whether did you cause a Bill of Inditement to be p<sup>r</sup>ferred against the said Edward at the said sessions who drew the same bill of Inditement & by whose counsell & direction & whether did you send the said massy Clarke Cossall & Baddam being yo<sup>r</sup> servant<sup>e</sup> & followers or any of them & w<sup>ch</sup> of them to give evydence therevpon for thenditing of the said Edward<sup>e</sup>

21. Itm whether did you despose in giveing evidence vpon the said bill of inditement at the said sessions that the said Edward<sup>e</sup> being deposed at the tryall in the eiectione firme aforesaid did sweare that Ridware p<sup>k</sup> was the land then in question & that all Ridware p<sup>k</sup>e lay in Ridware Hamstall & conteyned two hundreth acres of pasture And whether did the said Edward<sup>e</sup> make such deposicon at the said assises Declare the trueth vpon yo<sup>r</sup> oth. /

22. Itm whether doth any pt of the ground & soyle of Rowley p<sup>k</sup>e lye w<sup>th</sup> in the p<sup>r</sup>ish of Ridware Hampstall aforesaid and what pt or portion thereof & by what name or names is the same part lying in Ridware Hampstall aforesaid called & known? Declare the trueth vpon yo<sup>r</sup> oth. /

23. Itm whether did you knowe of the bargaine betwene Tho: Fitzherbert & Henry or Edward Bellingham towching the p<sup>r</sup>misses in the bill of Comp<sup>t</sup> menconed, were you p<sup>r</sup>sent at the same bargaine or called as a wittnes therevnto what was the Comp<sup>t</sup> or Henry Bellingham to pay for the same & when was the same to be paid vpon what condicon was the same land<sup>e</sup> in question to be assured to the Comp<sup>t</sup>? whether was the reassurance of the mannor of Aldersbroke any pt of the Condicon for redempcon of the land<sup>e</sup> in Staffordshire Declare the wholle trueth of eu'y poynt of this Interrogatory vpon yo<sup>r</sup> oth?

24. Itm what money was paid vpon the same agreement by the said Tho: Fitzherbert to the Comp<sup>t</sup> or Henry Bellingham for redemption of the same land<sup>e</sup> how longe was the same to be forborne, what consideracon was to be given for the forbearance thereof, & when was the same to be paid by the same agreement, when did the said Fitzherbert pay the consideracon money where & in whose p<sup>r</sup>sence, to whome did he pay the same & what discharge or acquittance had the said Fitzherbert made or given vnto him vpon payment thereof whether was the same consideracon money paid at one entier or seu'all payments & how much was paid at ech tyme? Declare the whole trueth to eu'y poynte of this Interrogatory vpon yo<sup>r</sup> othe?

25. Itm whether were you directed moued or p<sup>r</sup>swade by any p<sup>r</sup>son & by whome to make such deposition on the pt of the said Willm Leighton as in the bill of complaynt expressed, whether was yo<sup>r</sup> said deposition formerly written downe by the said James Sturdy or by any other before yo<sup>r</sup> examinacon & by whome And what guift recompence or reward was given & p<sup>r</sup>misid to you directly or indirectly for yo<sup>r</sup> said deposition, & who did give or p<sup>r</sup>mise the same to you?

Sapt die et Anno p<sup>r</sup>dict

Willm Leighton of Hampstalle in the Countie  
of Staff Esquier sworne & exaied. /

To the first Interr he saith that he doth knowe Edw: Bellingham the Compt & Tho: Fitzherbte Esquier one of the

defendet And did knowe Henry Bellingham deceased brother to the said Edw: Bellingham the Compl<sup>t</sup> And further to this Interr he taketh him self not bound to Aunswer

To the second third fowerth fiveth Sixt Seaventh eight, nynth, Tenth Eleventh, Twelfth & xiiij Interr this defet vnder the Reformacon of this Ho: Courte forbearth to Aunswere for that the matters therin conteyned do not in this def<sup>te</sup> vnderstandinge any way concerne the matters of supposed Svbornacon of purie laid to this def<sup>te</sup> Charge by the Compl<sup>te</sup> bill, neither as this defet thincketh are the matters in theis Interrr conteyned examinable in this Honorable Courte. //

To the xiiij<sup>th</sup> Interr he saieth That neither he this defet nor any otherby his privety cansent or appointm<sup>t</sup> did moye pswade or dyrecte Rowland Clarke John Hodgson Edmund Browne & James Sturdie in the bill of complaint mencioned or any of them to depose seuerally in such sorte as in the said bill is conteyned therby to prove the bargan and Sale of the said Parkes to be corrupte and vsurious as in this Interrr is supposed. And further to this Interrr he taketh him self not bound to Aunswere: as this Hono: Co<sup>r</sup>te vppō consideracon to be had of the sayd Compl<sup>te</sup> bill.

To the xv<sup>th</sup> Interrr he taketh him self not bound to Aunswere in that as he thincketh the same imptyent to the supposed Svbornacon of piurry Charged vppon this def<sup>t</sup> by the said Compl<sup>te</sup> bill./

To the xvj<sup>th</sup> & xvij<sup>th</sup> Interrr he taketh himself not bounde to Aunswere for that the matters therin conteyned do not in this def<sup>te</sup> vnderstanding concerne the matter of supposed Sub: of piurie laid to this def<sup>te</sup> Charge by the said Compl<sup>te</sup> bill

To the xvij<sup>th</sup> Interr he saieth That he did require the said Rowland Clercke in this Interr named to testifie the trewth of his knowledge as a witnes for the defet<sup>e</sup> at the said Tryall specefied in the Interrr But this defet did not afore hand conferre w<sup>th</sup> the said Clercke as touchinge what he the said Clercke should testefie or depose at the said Triall neither did he this defende<sup>t</sup> moye pswade or advise the said Clercke to giue such evidence at the said Triall as in the bill of Complaint is conteyned. /

To the xix<sup>th</sup> Interrr he saieth that he did appoint Walter Massie in this Interrr named (vppon advice of this defet<sup>e</sup> learned Councell) to exhibite a bill of Indictment against Richard Edward<sup>e</sup> gent in this Interrr named for piurie supposed to be comitted by him the said Edward<sup>e</sup> in the Triall of the Electione firme mencioned in this Interrr, but this def<sup>t</sup> saieth that nyther he this def<sup>t</sup> nor any other by his privetie consent or appointm<sup>t</sup> did instructe dyrecte encourage or advise the psons in this In named or any of them to depose & deliver their evidence against the said Edward<sup>e</sup> at the said Sessions in such sorte as in the said bill of complaint is expresed. but saieth that he did aske of the said psons in the Interrr named what they did heare conc'ninge thevidence of the said Edward<sup>e</sup> at the said Triall, w<sup>th</sup> out any such conference or consultacon as in this Interrr is supposed

To y<sup>e</sup> 20<sup>th</sup> Interrr he saieth That (vppon thadvice of his said learned Councell) he this defet<sup>e</sup> did cause a bill of Indictm<sup>t</sup> of piurie to be preferred by his servant Massye against the said Edward<sup>e</sup> at the said Sessions but who drewe the said bill of Indictent this def<sup>t</sup> certainly knoweth not but hath hard it was drawne by m<sup>r</sup> Dyotte Man And further this defet saieth that he this defendet did appoint the said Massie, Clercke, Bodham & others to goe to the said Sessions to give evidence there as well touching matter of Ryott as allso vppō the sd bill of Indyctmt preferred against the said Edward<sup>e</sup> if this def<sup>te</sup> learned Councell should thincke fitt And more saieth not to this Interrr.

To any of the Rest of the Interrr he is not appointed to be exaied by the pl<sup>t</sup>

Signed Will: Leighton. /

V contd

Ec: Cap: viij<sup>o</sup> dai Julij A<sup>o</sup>  
 RR<sup>ne</sup> Eliz. &c xliij<sup>o</sup>  
 Sup Interr ex pte. Edward  
 Bellingham ar quer ministrat

Walter Massie of Rowley pke w<sup>thin</sup> the Countie of Stafford gent sworne &c

To the i. Inte<sup>rr</sup> he sayth he doth know Edw: Bellingham the Compl<sup>t</sup> & To Fitzherberte Esq<sup>r</sup> one of the defetes and dyd by sight know Henry Bellingham deceased brother to the sayd Edward Bellingham and sayth that he hath known Edward Bellingham the Compl<sup>t</sup> for the space of three or fower yeres past or thereabowtes & the sd Thomas Fitzherbte for the space of ix or tenne yeeres past or thereabowte; and further sayth that he had not any manner of acquayntance w<sup>th</sup> the said Henry Bellingham, and further sayth that he this deft came to be acquainted w<sup>th</sup> the said Edward Bellingham by reason of suyte by him broght against him this deft, & by reason of clayme made by the sd Edward to Rowley pke whereof this deft is kuptn (?), & that the sd To Fitzherbert was this defte m<sup>r</sup> and more sayth not to this In.

To the second Intr he sayth he knoweth Rowley and Rydware pkes in the County of Stafford in this Intrr menconed and further to this Intr he taketh himself not bounde to aunswere.

To the 3. Intrr he refuseth (vnder referment) to aunswere the same being as he thinketh imptynent to the matters of offence layd to this def<sup>te</sup> charg by the sd Comp<sup>te</sup> bill

To the 4 & 5 Intes he is not to be exaied by direcon gyven on the pl<sup>te</sup> pte.

To the 6 Intr he taketh himself not bound to aunswere being as he thinketh imptynent to the matters layd to his charg by the sd Compl<sup>te</sup> bill

To the viij<sup>th</sup> viij<sup>th</sup> & ix<sup>th</sup> Intrs he is not to be exaied by dyrecon gyven on the pl<sup>te</sup> pte

To the x<sup>th</sup> Intr he refuseth to answeare the same being as he thinketh imptynent to the matters layd to his charg by the sd Compl<sup>te</sup> bill

To the xj<sup>th</sup>, xij<sup>th</sup> xiiij<sup>th</sup> xiiij<sup>th</sup> & xv<sup>th</sup> Intrs he refuseth to aunswere the same being as he thinketh imptynent to the matters of offence layd to his charg by the said Compl<sup>t</sup> bill

To the xvj<sup>th</sup> Intr he sayth that Edward Bellingham Esqr sonne of the sayd Comp<sup>t</sup> vpp<sup>o</sup> a lease for yeeres made to him by his said father of the sd pkes dyd bring an acc<sup>on</sup> of eiectione firme about Michallmas Terme last against him this deft Rich Deebanck and others for eiectione him out of twoe hundred acres of pasture in Ridware Hampstall in the bill of Complainte menconed and after yssue wynd in the same suyte the same came to a tryall by nisi prius at the last lent Assises holden for the said County of Staff And this deft sayth that Willim Leighton Esqr this def<sup>te</sup> m<sup>r</sup> dyd defray and paie the costes and charges of the deftes in the same suyte & at the same tryall, & not this def<sup>te</sup>

To the xvij<sup>th</sup> Intr he say<sup>th</sup> that he this defte dyd before the sayd tryall move and intreate the sd Jurors or the most of them for apparence to be by them for the sayd tryall, & not for any fauor or verdyct as in this Intr ys surmized Neyther dyd he this def<sup>t</sup> nor any other by his meanes move or intreat dyrectly or indyrectly by lres or otherwise the sd Jurors or anye of them as touching any verdyct to be by them or any of them gyven or any fauo<sup>r</sup> by them or anye of them shewed in the matter to be tryed or in their verdyct.

To the xviiij<sup>th</sup> Intr he sayth that the sd Rowland Clark was a wyttnes for the sayd defe<sup>te</sup> in the sd tryall But this deft dengeth that he this deft dyd beforehand conferre w<sup>th</sup> the sayd Clarke of or concerning his testimony to be gyven in the sd triall neyther dyd he this deft move pswade or advise the sd Rowland Clark to gyve such evydence at the sayd tryall as in the bill of Coml<sup>t</sup> ys Conteyned.

To the 19 Intr he sayth thath Rich Edward<sup>e</sup> gent in this Intr named dyd at the sd Assises at the sayd tryall afore menconed being then produced and sworne as a wyttnes on the behalf of the sd Edw: Bellingham falsly swoare & depose in the same tryall in the behalf of the sd Edward Bellingham in the presenc and hearing of this deft, Rowland Clark, Robt Cossall and Symon Baddam & others And then yt was advised by learned Councill that at

the next Quarter Sessions then after to be holden for that County a bill of indyctm<sup>t</sup> for piury should be preferred against the said Edward. And at the same quarter Sessions wch was holden at Stafford for the sd Countye of Staff the <sup>xxi</sup>th day of Aprill last past or thereabouts) A bill of indyctm<sup>t</sup> for the sd piury was by this def<sup>t</sup> at the Condym<sup>t</sup> of m<sup>r</sup> Leighton his m<sup>r</sup> (w<sup>th</sup> out any speech conference consultacon or advise as is supposed in this Intr) exhibited against the said Rich Edward. And for further aunswere to this Intr this def<sup>t</sup> sayth that he this def<sup>t</sup> dyd not examyne the sd Clarke, Cassall and Baddam or anye of them as touchinge what evydence they or any of them could gyue in that behalf against the sd Edward. Neyther dyd he this def<sup>t</sup> nor any other w<sup>th</sup> his pryvity consente or appoyntm<sup>t</sup> instruct dyrecte oncourag and advise them or any of them to depose & delyver their evydence against the sd Edward at the sd Sessions in such sorte as in the bill of Complaint ys expressed neyther needed this def<sup>t</sup> to gyue them anye instrucon in that behalf, for that they the sd Cossall Baddam & Clarke were present w<sup>th</sup> this def<sup>t</sup> & dyd as well as this def<sup>t</sup> heare what the sd Edward dyd depose at the aforesd tryall & dyd marke & observe (as this def<sup>t</sup> dyd) theyvdence gyven by the sd Edward at the sd tryall, and this def<sup>t</sup> dyd sett downe in his tallie booke theyvdence gyven at the sd tryall by the sd Edwards at the same tyme that the sayd Edward gave the same evydence even as the sd Edward d<sup>l</sup> it vpp his othe.

To the <sup>xx</sup>th Inrr he sayth that he this def<sup>t</sup> dyd as Sollycitt & by the Condym<sup>t</sup> of the sd m<sup>r</sup> Leighton this defe<sup>te</sup> m<sup>r</sup> cause m<sup>r</sup> Dyott of the Temple or his Clarke to drawe the sayd Indyctm<sup>t</sup> to be preferred against the sayd Edward at the sayd Sessions and further he answereth not to this Intr.

To the <sup>xxj</sup>th Inrr he sayth that he this def<sup>t</sup> in gyving evydence vppn the bill of indyctm<sup>t</sup> at the sd Sessions did depose that the sayde Edward was sworne at the sd tryall in the eiectione firme aforesd dyd depose & swere that Rydware pke lay in Rydware Hampstall & conteyned twoe hundred acres of pasture and further sayth it is trewe that the sd Edward dyd so depose at the said Assises and this def<sup>t</sup> doubteth not but so to prove to this ho Courte by good & sufficyent testimonye.

To the 22. Intr he refuseth vnder referment to aunswere the same being as he thinketh imptynent to the matters of offence layd to this def<sup>te</sup> charges by the sd Compl<sup>te</sup> bill.

To any of the rest of the Intrs he is not to be exaied by dyrecn gyven in the Compl<sup>te</sup> bill.

Signed Walt: Massie

\*

Cap: 17 No: Ao  
43 Eliz: RMI

John Hodgeson of Fleet lane  
in the pise of  
St Sepulchres Londn vycualler  
sworne and examyned

To the firste Intr he sayth he knoweth Edw: Bellingham the Compl<sup>te</sup> and Thoms Fitzherbt Esqr one of the defe<sup>te</sup> & that he dyd knowe Henrye Bellingham deceased brother to the said Edward Bellingham, & that he hath knowen the sd Comp<sup>t</sup> for the space of twoe or three yeres past or thereabowtes & that he hath knowen the sd Fitzherbte for the space of fyve or sixe yeres past or thereabowtes, & that he knewe the sd Henry Bellingham for the space of one yere or thereabowtes next before his death, & that this def<sup>t</sup> came to be acquaynted w<sup>th</sup> the sd Fitzherbert by reason the sd Fitzherbte when he was prisoner in the Fleet had his vycualls & provisyon from this def<sup>t</sup> as of Fleet lane aforesd and this def<sup>t</sup> sayeth that he this def<sup>t</sup> came to know the sd Henry Bellingham by his the sd Henry Bellingham ther after Coming to the sd Fitzherbte whilest he the sd Fitzherbte was Prisoner in the Fleete.

To the second Intr he sayth he hath hard of but doth not knowe the pkes tent & Farmes in this Intr menconed and further sayeth he hath hard that the same pkes tent & farmes were the inherytance of the sayd Tho Fitzherbte

To the 4. & w<sup>th</sup> Intr 6 he sayth that he hath heretofore byn exaied in her Ma<sup>te</sup> Courte of Chauncery touching the matters in the same Intr conteyned when the same matters were freshe in this def<sup>te</sup> memorye: and therefore he referreth himself to the same his former exaicons (wch he knoweth are trewe) w<sup>th</sup>out making anye aunswere agayne to those matters nowe in this he Courte vppn this his exaicon

To the 23. Intrr he sayeth that he this deft dyd not knowe of the bargayne betwixt Tho Fitzherbte & Henry or Edward Bellingham touching the premisses in the bill of Complaite menconed for that he this deft was not present at any such bargayne making, nor was he called as a wyttnes therunto, neyther doth this deft of his owne knowledg knowe what the sd Cpl<sup>t</sup> or Henry Bellingham was to pay for the same, nor when the same was to be payd, nor vpp what condyn the sd lande in questyn were to be assured to the sd Cp<sup>t</sup> neyther doth this deft know whether the reassurance of the mannor of Aldersbrooke was anye pte of the condycons for redempcon of the lande in Staffordshire or not. But saith y<sup>t</sup> all that this deft was able to depose in Chancery conc'g the matters in this Intr menconed was but vppn the repo<sup>rt</sup>ing & relating of others.

To the 24. Intr he thinketh not good nowe to make anye answere but referreth himself to his sd former deposesycons taken in Chancery as touching what he this deft dyd knowe or had hard conc'g the contente of this Intr wherunto this deft cannot now so certely depose as ther he dyd.

To the xxv<sup>th</sup> Intr he sayeth that he this def<sup>te</sup> was not dyrected moved or pswaded by anye pson or psns to make such deposesycon on the psue of the sd W<sup>m</sup> Leighton as in the bill of Complaynt is expressed neyther was this def<sup>te</sup> sd deposesycon form'ly wrytten downe by the sd James Sturdy or by any other before this def<sup>te</sup> exaicon neyther was there anye guifte recompence or reward gyven or pmissid to him this deft dyrectly or indyrectly for his said deposesycon by any pson or psns.

To any of the reste of the Intr<sup>s</sup> this def<sup>te</sup> is not to be exaied by the dyrecon of the Complte /

Signed John Hodgson

\*

Depose test capt xxvij. die mensis Feb<sup>rij</sup>  
Anno regi dñi nri Jacobi Anglie  
Fra: et Hibnie Ri<sup>s</sup> tertie et Scotie  
39<sup>o</sup>. Sup Interr ext<sup>o</sup> Edward  
Bellingham Mi<sup>t</sup> quere ministrat

W<sup>m</sup> Hill of woodmancourte in the County of Sussex gent of the age of 42. yeares or thereabout sworne &c

To the first Interr this depo<sup>t</sup> saieth that he doth knowe S<sup>r</sup> Edward Bellingham K<sup>t</sup> now Comp<sup>t</sup> and S<sup>r</sup> W<sup>m</sup> Leighton K<sup>t</sup>, Thomas Fitzharbert Rowland Clarcke & others def<sup>t</sup>.

To the 2. Interr this depo<sup>t</sup> saieth that Rowland Clarke mencioned in this Interr was produced & examined about the time mencioned in that Interr as a Wittnes in the Court of Chauncery in a suite there depending wherein Edward Bellingham esqr the now Comp<sup>te</sup> Father was Comp<sup>t</sup> & Sir Wm Leighton & others defe<sup>te</sup>, And that he this dep<sup>t</sup> hath sene a Copie of the said Rowland Clarke deposicon there made whereby it doth appeare that he the sd Rowland Clarcke did depose amongst other thinge to this effect viz That he did knowe & was privie & well acquainted with the agreement betwene the said Henrie Bellingham & Thomas Fitzherbert for the Lande mencioned in the Interrog, as may more at large appeare by the deposicon itself being of Recorde in the sd Courte of Chuncery

To the 3 Interrog this deft saieth that he verily beleveth & is pswaded that the said Rowland Clarcke was not

present at the said agreement nor made privie or acquainted thereu<sup>th</sup> at or nere that tyme, because this depo<sup>t</sup> hearde the said Rowland Clarke depose at an Assises holden at Wolverhampton for the county of Stafford that he was not p'sent at the makinge of the sd agreement nor made privie or acquainted thereu<sup>th</sup> at that tyme or to such effecte

To the 4 Interr this dep<sup>t</sup> saith that he was present at the Triall of an accon of Eieccon firme brought downe by Nisi prius at the Assizes holden at Woolverhampton for the Countie of Stafford in Lente in the Two & Fortieth yere of the Raigne of our late Quene Elizabeth, in w<sup>ch</sup> Accon the now Comp<sup>t</sup> Sir Edw: Bellingham now K<sup>t</sup> & then Esq<sup>r</sup> was Pl & some of y Tenn<sup>te</sup> of S<sup>r</sup> Willm Leighton then def<sup>te</sup> Att w<sup>ch</sup> Triall Rowland Clarke mencioned in this Interr was sworne for a wittnesse & was then vpon his othe demaunded by S<sup>r</sup> W<sup>m</sup> Periam K<sup>t</sup> the then Lord cheife Baron (before whome that Accon was tried) wheth<sup>er</sup> he was present at the makinge of the Contracte & bargaine betwene Thomas Fitzharbert & Henry Bellingham concerninge the Lande tenem<sup>te</sup> & heriditament<sup>e</sup> in the countie of Stafford called Rowley & Ridware Parke & of other Lands & tenement<sup>e</sup> being in the countie of Derby, the said Clarke therevnto aunswored that he was not present at the tyme of the makinge of the sd Contracte & bargaine, wherevpon the sd Lord cheif Baron asked the said Clarke how he then knew of that bargaine & contracte, and the sd Clarke therevnto aunswored that about halfe a yere or eight monethes after the making of the said bargaine he heard Thomas Fitzharbert & Henry Bellingham vse speaches together of the said bargaine & contracte but had no oth<sup>r</sup> knowledge thereof And then the sd L: cheif Baron also demaunded of the sd Clarke for how longe tyme it was that the sd Thomas Fitzharbert had vpon the sd bargaine & contracte morgaged the sd Lande vnto Edward Bellingham the now Comp<sup>te</sup> Father & the sd Clarke aunswering that it was but for twelve monethes Now q<sup>th</sup> the sd L. cheif Baron I can myself wittnesse against thee that thou art piured for it appeareth to me by the Indenture of the morgage of the sd Lande that the same Morgage was for Fowretene monethes

Signed William Hill

\*

11<sup>o</sup> May 1607

John Mynors of Burton vpon Trente in y<sup>e</sup> Countie of Stafforde gen<sup>e</sup> of the age of 28. yeres or thereabout sworne &c

To the 1. Interrog this dep<sup>t</sup> saith that he doth knowe S<sup>r</sup> Edward Bellingham K<sup>t</sup> now Comp<sup>t</sup> & hath diu's tymes sene S<sup>r</sup> W<sup>m</sup> Leighton K<sup>t</sup> Thomas Fitzharbert & Rowland Clark defe<sup>te</sup>.

To the 2 Interr this dep<sup>t</sup> saith that he cannot certenly depose what deposicon Rowland Clarke mencioned in this Interr made in the Courte of Chauncerie in the Suite there dependinge wherein Edward Bellingham esqr the now Comp<sup>te</sup> Father was Pl & S<sup>r</sup> Willm Leighton & others defendts.

To the 3 Interrog this dep<sup>t</sup> saith that he doth not knowe whether the sd Rowland Clerke was present at or made privy to acquainted w<sup>th</sup> the speaches Communicacon or agreement made betwene Henry Bellingham & the sd Thoms Fitzharbert touchinge or concerninge a bargaine & Sale to be made to the sd Henry Bellingham of certen Lands tent<sup>e</sup> & heriditament<sup>e</sup> lieing and being in the Countie of Stafford called Rowley & Ridware Parke & of Certen other Lande & tenements lieing in the County of Darbie called Overhurst Netherhurst Netherhall Overhall & the Boothes or some of them or not.

To the 4. Interrog this depo<sup>t</sup> saith that he was present at the Triall of an Accon of Eieccon firme brought downe by Nisi prius to the Assizes holden at wolverhampton for the County of Stafford in Lente in the two & Forteth yere of the Raigne of o<sup>r</sup> late Sou'aigne Lady Quene Elizabeth wherein the now Comp<sup>t</sup> S<sup>r</sup> Edward Bellingham was Pl & some of the Tennts of the sd S<sup>r</sup> Wm Leighton defe<sup>te</sup> w<sup>ch</sup> matter was then tried before the then Lord cheife Baron Att w<sup>ch</sup> tyme, Rowland Clarke mencioned in this Interr was produced & deposed as a w

wittnesse on the behalfe of the then defend<sup>te</sup> in the sd accon to give true evidence to the Jury then & there impannelled to trie the issue in that Accon, Att w<sup>ch</sup> tyme the sd Rowland Clarke deposed that he was not present at the makinge of the bargaine & agreement, betwene Henry Bellingh<sup>m</sup> & Thomas Fitzharbert touching certen Landes, (w<sup>ch</sup> lands as this depo<sup>t</sup> rebreth the sd Rowland Clark y<sup>en</sup> affirmed laie in Essex) but that Henrie Bellingh<sup>m</sup> & Thoms Fitzharbert did afterward<sup>e</sup> severallie tell him the saied Rowland Clarke, what bargaine & agreement was betwene them touchinge the saied Landes or to the same effecte the sd Clarke then deposed And more he saith he cannot now call to his remembrance to depose to this Interrog.

Signed Wm Mynors:

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25 November 1607/

W<sup>m</sup> Browne of Merston Mountgomery in the Countie of Darbie  
gen of the age of 49. yeares or thereabout<sup>e</sup> sworne &c

To the 4. Interr<sup>m</sup> this depo<sup>t</sup> saith that he was Thassizes Holden at wolverhampton for the Countie of Staffe in Lent in the 42. or 43 yeare of the Raigne of the late Quene Elizabeth and that there was then tried there an Accon of Eiecccon firme or Trespasse wherein the now Comp<sup>t</sup> S<sup>r</sup> Edward Bellingh<sup>m</sup> K<sup>t</sup> was then Pl & one Walter Massie & others defe<sup>te</sup> as this dep<sup>t</sup> now rebreth for the more certentie whereof this dep<sup>t</sup> referreth himself to the Record<sup>e</sup> in that cause, w<sup>ch</sup> matter was then tried before S<sup>r</sup> Willm Pryam then Lord cheif Baron of the Courte of Exchequer one of the Justice of Assize for the sd County And saith that the same triall was about the title of a certen Parke called Rowley Parke or Redware Parke in the sd Countie of Staffe sometymes the inheritance of S<sup>r</sup> Thomas Fitzharbert Knight deceased Att w<sup>ch</sup> triall after divers excepcons cleered on the Pls behalfe touchinge the quantitie of the content<sup>e</sup> of the sd Parke or Park<sup>e</sup> in question, and after evidence given for the sd Pl, divers witnesses were produced on the behalfe of the defe<sup>te</sup> amongst whome this depo<sup>t</sup> rebreth that Rowland Clarke mencioned in this Interr<sup>m</sup> was produced as a wittnesse on the behalfe of the sd def<sup>te</sup> who being sworne did deliver in evidence divers matters touchinge certen bargaines betwene Thoms Fitzharbert Esqr, & one Henry Bellingh<sup>m</sup> for certen Land wherevpon the Councill at the Barre for the said defe<sup>te</sup> inferred, that the Assuraunces of the Land<sup>e</sup> in question by reason of some vsurious contracte or agreement should be voided. But otherwise what pticular evidence was given by the sd Rowland Clarke, or anie other this depo<sup>t</sup> doth not preciselie remember And this depo<sup>t</sup> further saith that notw<sup>th</sup> standing anie thinge that was given in evidence on the behalfe of the defe<sup>te</sup>, the matter seemed to be verie cleere on the saied Comp<sup>te</sup> behalfe in this dep<sup>te</sup> opinion

Signed W<sup>m</sup> Browne

\*

xvj Aprilis 1605

Richard Edward<sup>e</sup> of Clement<sup>e</sup> Inne gen of the  
age of 45 yeres or thereabout<sup>e</sup> sworne &c

To the 1. Interr<sup>m</sup> this depo<sup>t</sup> saith that he doth knowe the Compl<sup>t</sup> & also the said S<sup>r</sup> W<sup>m</sup> Leighton Thoms Fitzherbert & Rowland Clark

To the second Interr<sup>m</sup> this deponent sayth that the said Rowland Clarck was pduced a wytnesse in the cause & suyte mencioned in this Interr<sup>m</sup> towching the title of the park<sup>e</sup> & land<sup>e</sup> therin also expressed, & did thervpon depose to theeffect followinge vilt That he was privie & well acqwaynted w<sup>th</sup> the bargayne & sale of a mannor or tenement & land<sup>e</sup> called Aldersbrucke scituate & ly(ing)<sup>8)</sup> in the Countie of Essex to the said Thomas Fitz-

-herbe(rt)<sup>9)</sup> by the said Henry Bellingham & also of the bargay(ne)<sup>10)</sup> & sale or mortgage of the said Parkes & lande in the Counties of Stafford and Derby to the said Henry Bellingham or to Edward Bellingham esquier father of the said S<sup>r</sup> Edward the Compl<sup>t</sup> as by the deposicons of the said Clarke in Chauncery in that behalf made (wherto this deponent doth referre himself) maye more at large appere And this deponent farther sayeth that himself together w<sup>th</sup> some others did examyne certeyn coppies of deposicons made in the said suyte in Chauncery or<sup>th</sup> the Recorde in Court, amongst w<sup>ch</sup> the deposicons of the said Rowland Clarke, to theeffect aforsaid was one.

To the thirde Interr this deponent sayth that of his owne knowledg he cannott p<sup>r</sup>cisely depose, but sayth that by the credible repeat of others the said Rowland Clarcke was not acquaynted w<sup>th</sup> them nor came into the company of the said Thoms Fitzherbert by the space of three or Fowre monthes after the bargayne of the said lande concluded betwixt him the said Fitzherbert & Henry Bellingham

To the iiij<sup>th</sup> Interrogation this deponent sayth that he was p<sup>r</sup>sent at a tryall by Nisi prius at thassisses houlden at Wolverhampton for the Countie of Staff in March in the xliij<sup>th</sup> yeir of the late Queene Elizabeth (as this deponent taketh yt) w<sup>ch</sup> the said S<sup>r</sup> Edw Bellingham p<sup>r</sup>fred against one Walter Massie & others for recovery of the possession of the said Parke or of a great number of acres of pasture lying in thone or both the same parkes And that the said Rowlande Clarke was then & there p<sup>r</sup>duced as a wytnesse for the defend<sup>te</sup> and did then and ther depose & giue in Evidence to the Jurie for the said tryall to theeffect followinge vilt That he was not p<sup>r</sup>sent or knowing of the bargayne & agreement betwixt the said Thomas Fitzherbert & Henry Bellingham for the said lande in Essex & also for the said Parke & lande in the Counties of Staff & Derby, but that the said Thomas Fitzherbert & Henry Bellinghm after such bargayne betwixt them concluded, did severally relate vnto him the manner of the same sale & contracte. And this depo<sup>t</sup> sayth that he dyd the better mark the deposicon of the said Rowland Clarke at the same tryall because he this depo<sup>t</sup> had form<sup>r</sup>lly seene the deposicon made by him the sd Clarke in the forsayde suyte in Chauncery the one of the purportinge contrarietie to the other

Signed p me Ric Edwardes./

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VI A grant of Leighton appointing Anthony Dyott to conclude with the Earl and Countess of Shrewsbury the deal for the manor of Hathersage in Derbyshire

Lambeth Palace Library, Ms. 707, fol. 62<sup>r</sup>

To all people to whom theis pm<sup>t</sup>e shall come S<sup>r</sup> Willim Leighton of Flaish in the Countie of Salop knyghte sendeth gretinge in oure lorde god everlastinge, knowe yee that where I the said S<sup>r</sup> Willim did heretofore bargaine w<sup>th</sup> the right honorable, Gilberte earle of Shrewseburye and the lady Marye Countes of Shrewsebury his wife for the Mannor of Hathersiche and other lande in the Countie of Darby and did convey and assure the same to suche parsons as there honors, did appointe for and on the behalfe of there honors, And where there remaineth due vnto me a greate parte of the Consideracon w<sup>ch</sup> by there honors, was to be aunswered for the same, Nowe I the said Willim Leighton have ordained Constituted aucthorised appointed and in my place put my welbeloved Anthony Dyotte of the Cytie of Lich gent my substitute and freinde to finishe and Conclude for me and in my name all and whatsoeu<sup>r</sup> he shall thincke to be Conveniente concerninge the same Consideracon and securytie to be had. for or inrespecte of the same, Gevinge him hereby full Aucthorytie to do therein as he shall thincke necessary or convenient Whereof I make allowance ratificacon and approbacon as I had ben parsonally p<sup>r</sup>sent, In witnes whereof I have herevnto put my hande and seale dated the xliij<sup>th</sup> daye of September in the yeare of the Raigne of o<sup>r</sup> sou<sup>r</sup>aigne Lorde James by the grace of god kinge of Englande Scotlande Fraunce and Irelande defendo<sup>r</sup> of the faith &c That is to say of Englande Fraunce and Irelande the Sixth and of Scotlande the xliij<sup>th</sup>

Sealled and deliu'ed in the  
pm'te

Signed Will: seal Leighton

Roland Clark  
Walt: Massie  
Edw Edge

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VII A letter from the Duke of Lennox to an unknown person concerning a debt of five hundred marks due to him from Leighton

Historical Manuscripts Commission, EN 471

S<sup>r</sup> at my going into france I appointed James Hamiltone to pay some sumes of money to certane Merchaunte of London, and for that purpose I assigned to him the last Thowsand pownde wch was to have been payed to me the first of Januarij last past, by S<sup>r</sup> Thomas Leigh S<sup>r</sup> William Leighton & Mr Anthonie fitzharbert, for the procuring of the graunt of fitzharberte Lande. And now vpon my return I fynd that their doth rest fyve hundred marke vnsatisfied to the marchaunte, wch was to have bene payed by S<sup>r</sup> William Leighton who being called vnto for the same affirmeth that he is not able to pay it, and that my Lady Shrewsbury hath the land for wch it is to be payed. And because their is sondrie recknings between my Lady & him, wherewith he sayeth that you ar partlie made acquainted, and that my Lady wilbe owen vnto him goos sumes he hath written to her La: to pay this fyve hundreth marks and that he is content to allow it vpon the said reckninge In wch respect I pray yow to deall earnestlie with my Lady to see it dischargd, for this is the first tyme that I have failed in my payment to any merchaunt or other. And I am perswaded if that honorabl Lady had knowen of it she would rather have payed it out of her owne purse, then my word should not have been made good, Hadsor wrot to her Concerning this mater, but I know the falt of this is in the necligence of servante to wch I do only imput it. Assuring my self that seeing my Lady may satisfie her self of that wch is in her hand she will out of a regard to that wch doth concern me, take that order for it as the merchaunt shall not neid to call any more to me, or I truble my self in taking any hard course aganst S<sup>r</sup> William Leighton, who resteth much vpon your care to help him in this And so S<sup>r</sup> I bid yow very kyndlie farewell frome the Court at Greenwich this 20 of Marche 1604.

If yow have not a fitt  
going to my Lady frome the  
place wher yow ar I  
desyr yow to com by her  
in your return & to vse all  
meanes to finishe this at this  
tyme of your being there.

Your louing frend

Lenox

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VIII A warrant releasing Leighton from a bond to Sir William Harmon

Public Record Office, SP 38/9

A warrant to the Exchequer requiring them to deliver to S<sup>r</sup> Wm Harmon k<sup>t</sup> his Ma<sup>te</sup> servant a Statute Staple wherein S<sup>r</sup> William Leighton was bound to him in iiiiij<sup>Cl<sup>+</sup></sup> for the paym<sup>t</sup> of Ciiij<sup>xx</sup> vj<sup>l<sup>+</sup></sup> principall debt, and

also a bond wherein S<sup>r</sup> Walter Harecourte was bound to the said S<sup>r</sup> Wm Harmon in C<sup>ii</sup> for the paym<sup>t</sup> of 1<sup>ii</sup> which Statute Staple and bond the said S<sup>r</sup> Wm Harmon did give assigne and set over to the Kinge Ma<sup>tie</sup>, not being indebted vnto his Ma<sup>tie</sup> but onely the better (in his Ma<sup>te</sup> name) to recover his said debt: they being now both willing to give full satisfaccon of their severall debt to the said S<sup>r</sup> Wm Harmon soe as they may have their statute Staple, and obligacon wherein they stand severally bound for their indemnitie to be redeliu'ed to them Subsc by S<sup>r</sup> Henry Fanshaw pcur by S<sup>r</sup> Tho: Lake. Dated the sixt of July. 1608

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IX A grant to David Stewart arising out of Leighton's outlawry  
Public Record Office, SP 38/10

Docquet 4<sup>o</sup> Martij  
1609/10

A graunt vnto David Stewart Groome of his h<sup>s</sup>. Bottles of all rights duties and other benefitt belonging to his Ma<sup>tie</sup> by reason of the outlawrye of S<sup>r</sup> William Leighton K<sup>t</sup> W<sup>th</sup> pviso that he shall first pay all such due debts as the said S<sup>r</sup> William doth owe. And likewise yf he shall not stand to the order of the Exchecq<sup>r</sup> Chamber if any question arise by meanes of this graunt, or complaynt made by any the said Creditors or others then this graunt to be voyd. Subsc by m<sup>r</sup> Attorney by order from S<sup>r</sup> Julius Cesar. pcur by the Lo: Aubigny.

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X The same more fully explained  
Public Record Office, C 66/1846 sect. 16

James by the grace of God &c. To all to whom theis present<sup>e</sup> shall come greeting. Whereas Sir Willyam Leighton of Plashe in the County of Salop knight standeth outlawed after Judgment in divers psonall accons at the suit of divers psons as by the Recordes of the said outlawries more att large appeareth. By reason whereof all the good<sup>e</sup> and chattell<sup>e</sup> of the said Sir Willyam Leighton knight eyther reall or psonall moveable or ymoveable And also all the debt<sup>e</sup> duties somes of money and specialtyes which the said Sir Willyam Leighton att the tyme of the promulgacon of his said severall outlawries or any of them had and was possessed of, or which vnto the saide Sir Willyam Leighton were then due owing and appteyninge, are and by the lawes of this our Realme of England ought to be forfeited and to accrue growe due and appertayne vnto vs our heires and successors. knowe ye nowe that we aswell to provide for the securitye of payment of the debt<sup>e</sup> of the said Sir William Leighton, as alsoe for and in consideracon of the good and acceptable service heretofore donne vnto vs by our welbeloved servant David Stewarte one of the Groomes of our Bottel<sup>e</sup> and for divers other good causes and consideracons vs herevnto specially moveing of our especiall grace certaine knowledg and meere mocon have given and graunted, and by theis present<sup>e</sup> for vs our heires and successors doe fullye freelye and absolutly giue and graunt vnto the saide David Stewarte his executors administrators and assignes all and singuler the Jewell<sup>e</sup> plate housholde stuff good<sup>e</sup> and Chattell<sup>e</sup> reall and psonall moveable and Imoveable debt<sup>e</sup> duties rent<sup>e</sup> arrerages of rent<sup>e</sup> and other thing<sup>e</sup> whatsoever of the said Sir Willyam Leighton of what nature kynde or qualitye soever they or anye of them were or be or by whatsoever name or names they or any of them be called or knowne which were the saide Sir Willyam Leightons or to him belonging at the tyme of the pmulgacon of the saide outlawries or any of them or att anye tyme since And likewise all debt<sup>e</sup> aswell by matter of Recorde specialty or without specyaltie and all other right<sup>e</sup> duties and benefitt whatsoever owing due or payeable belonging or come vnto the said Sir Willyam Leighton att the tyme of the said outlawries

or anye of them pronounced against him the said Sir Willyam or att anye tyme sithence, and which by the lawes of this our saide Realme of England were are or ought to be forfeited or come vnto vs by reason of the saide outlawries or any of them And alsoe all and all manner of Statute Recognizances Judgmente bonde bill and other specialtyes and assuraunce whatsoever made by anye pson or psons whatsoever vnto the said Sir Willyam Leighton or to anye other pson or psons to the vse of him the said Sir Willyam Leighton which ought to come vnto vs by meanes of the saide outlawries or any of them pronounced against the said Sir Willyam Leighton as aforesaide, And alsoe all righte title interest accōn suit clayme and demaund which wee our heires or successors nowe haue or ought to haue or can maye or ought hereafter to haue or make vnto the saide goodē chattelle somes of money debte duties proffittē and all other the premisses whatsoever for by reason or in respect of the saide outlawries or anye of them as aforesaide, To haue take seise leuye recover vse and enioye all and singuler the premisses before by theis presentē given and graunted or expressed or intended to be by vs hereby given and graunted and everie part and pcell of them to the said David Stewart his executors admynistrators and assignes to his and their owne vse and vses without anye manner of accompt reckoning allowance or recompence therefore or for any parte or parcell thereof to be demaunded required rendred made or given to vs our heires or successors in as larg ample and beneficiall sort manner and forme to all intentē construccions and purposes whatsoever as wee our heires or succesors nowe doe can maye or ought att anye tyme hereafter to clayme demaunde vse haue or enioye the same or any part or pcell thereof by reason or meanes of the saide outlawries or anye of them And further knowe ye that we of our more especiall grace certaine knowledg and meere mocon have given and graunted and by theis presentē for vs our heirs and successors doe give and graunt vnto the saide David Stewart his executors admynistrators and assignes for the better executing of this our graunt and for his and their better getting and obtayning into his and their handes all such thingē as hereby are vnto him and them given and graunted at all and everie tyme and tymes hereafter full power and authoritie to inquier or fynde or cause to be found and enquired of by any Office or Inquisicon or by any other lawfull waye meanes or deuise whatsoever such right title vse propertie or interest as we heretofore haue had nowe haue or may or ought to haue of in or to the premisses before in and by theis presentē graunted or anye of them or any part or pcell thereof And alsoe to take seise pceive and recover by him the said David Stewart his mynisters servant deputyes assignes or servantē in any place or places whatsoever the said goodes chattelle and other the pre premisses before in and by theis presentē graunted and everie part and pcell thereof according to the order and course of our lawes And wee doe further give and graunt vnto the said David Stewart his executors admyn-istrators and assignes full power and authoritie by vertue of theis presentē all his and their and everie of their willē and pleasures to release acquit and dischargē all and everie pson and psons whatsoever their executors admynistrators and assignes of all and everie or anye the saide goodes chattelle and other the pre premisses whatsoever to vs forfeited or come as is aforesaide by the outlawries of the saide Sir Willyam Leighton And alsoe that he the said David Stewart his executors admynistrators or assignes in the name of him the said David Stewart his assignee or assignes in his life tyme or in the name of his executors admyn-istrators or assignes after his death or other wise in the name of vs or in the name of any our heires or successors shall and maye sue for and recover the same goodes and chattelle and other the premisses soe forfeited come due and appertayning vnto vs as is aforesaid against any pson or psons whatsoever in any of our Courtē of Record according to our lawes att the will and pleasure of the said David Stewart his executors admynistrators or assignes and everie or anye of them And the same being recovered levied or received to haue take retayne enioye and convert to his and their or any of their owne proper vse and behoofe, For which theis our lres patent or the Inrollment thereof shalbe aswell vnto the saide David Stewart his executors admynistrators and assignes, as alsoe to all our Officers and mynisters for the allowance thereof a sufficient warrant and dischargē in that behalfe And our will and pleasure is, and wee doe by theis presentē for vs our heires and successors straightlye chardge and comaund you our Tresorer Chauncellor vndertresorer Chamberlaines and Barons of our Exchequer and all other our Officers and mynisters of the same Court that if it happen att anye tyme or tymes hereafter any of the said goodē chattelle some or somes of money or any other of the premisses whatsoever to be recovered seised paide or delivered vnto vs our heires or successors att the suit or in the name of vs our heires or successors, that then and soe often you deliver and cause to be delivered to the saide David Stewart his executors admynistrators or assignes, All and everie the said goodes chattelle some and somes of money and other the premisses soe obtayned recovered had seised or paide to the vse and behoofe of the saide David Stewart his executors admynistr- and assignes And these our lres patentē or the Inrollment thereof shalbe to you and our said Tresorer Chauncellor vndertresorer Chamblains and Barons of our

Exchequer and to all other our Officers and mynisters to whom it shall appteyne and to everie of you and them a full and sufficient warrant and dischargd for the deliuerie payment and doeing of all and singuler the premisses according to the tenor effect and true meaning of this our graunt And our further will and pleasure is and by theis present<sup>e</sup> for vs our heires and successors, we doe charg and comaund you the said Tresorer Chauncellor vndertresorer and Barons of our saide Exchequer and everie of you by vertue hereof from tyme to tyme to graunt and cause to be made forth of our said Court of Exchequer such and soe manye Comissions and other lawfull processe as shalbe thought fitt and requisite by the saide Dauid Stewart his executors or assignes or by his or their Councell learned in the lawe for the lawfull fynding revealeing discovering triall recovering levying or seizing of the said good<sup>e</sup> chattell<sup>e</sup> and other the pmisses forfeited vnto vs by the outlawrie or outlawries of the sayde Sir Willyam Leighton knight as aforesaide And theis our lres patent<sup>e</sup> or the Inrollment thereof shalbe vnto you our said Tresorer Chauncellor vndertresorer and Barons and to all other our Officers and mynisters a sufficient warrant and dischargd in that behalfe And alsoe our will and pleasure is and by theis present<sup>e</sup> for vs our heires and successors wee doe charg and comaund all and singuler our Sheriffe vndersheriffe Bayliffe Officers and mynisters for the tyme being which shall happen to be employed in or about the levying or recoverie of the good<sup>e</sup> chattell<sup>e</sup> and other the premysses before in and by theis present<sup>e</sup> given and graunted to the said Dauid Stewart his executors admynistrators and assignes or of any part or pcell of the same or in or about the execucon of any writt or processe concerning the same or anye part or pcell thereof, that they and everie of them shall in such case paye and deliver or cause to be payde and delivered such of the saide goodes Chattell<sup>e</sup> debt<sup>e</sup> and other the premisses soe by them or anye of them levied or received or the valewes thereof vnto the saide Dauid Stewart his executors admynistrators or assignes to be enioyed by him or them according to this our graunt takeing an acquittance or acquittaunc<sup>e</sup> of him or them in that behalf And alsoe our will and pleasure is and for vs our heires and successors we will and comaund you the Tresorer Chauncellor vndertresorer and Barons of our Exchequer that you cause the Clark or other Officers of the Tallies to whom it belongeth vppon the shewing and bringing in vnto him or them the saide acquittaunc<sup>e</sup> or acquittance to stricke a tally or tallies therevppon for the dischargd of the Sheriff or Sheriffe and other our Officers thereof vppon his and their accompt or accompt<sup>e</sup> to be made concerning the same And theis our lres patent<sup>e</sup> or the Inrollment thereof shalbe in this behalfe a sufficient warrant aswell vnto the said Sheriffe vndersheriffe Bayliffe and other Officers and vnto the said Officers of the saide Tallies, as alsoe vnto you our said Tresorer Chauncellor vndertresorer Chamberlaines and Barons and all other Officers whome the same maye concerne and vnto everie of them in that behalfe Prouided nevertheles and our expresse will and pleasure is and soe we doe by theis present<sup>e</sup> for vs our heires and successors ordayne that out of the saide goodes chattell<sup>e</sup> debt<sup>e</sup> and premysses by the saide Sir Willyam Leighton soe forfeited vnto vs by force and vertue of the sayde outlawrie or outlawries or anye of them and by vs graunted vnto the said Dauid Stewart as aforesaid he the said Dauid Stewart his executors admynistrators and assignes shall first well and trulye satisfie and paye or cause to be satisfied and paide vnto all the Creditors of him the saide Sir Willyam Leighton to whom he standeth any waies directly bound or truely and bona fide indebted pporconally and pro rata soe much money or the full valewe thereof as the meere and proper debt<sup>e</sup> due and owing by him the saide Sir Willyam Leighton or for which anye other standeth trulye and directly bounde for him doe amount vnto he the saide Dauid Stewart his executors admynistrators and assignes first deducting and retayning in his or their handes suche somes of money as he or they shall haue truly and bona fide disbursed about the obtayning of this graunt and the prosecucon of suite and other meanes for the recovering getting and obtayning of the saide goodes chattell<sup>e</sup> and other the premysses in and by theis present<sup>e</sup> graunted as aforesaide. Prouided alsoe and our will and pleasure further is that if anye questyon or controu'sie shall att any tyme hereafter happen or arrise betweene the saide Dauid Stewart his executors admynistrators and assignes or anye of them for non payment of the sayde debtes as aforesaide or by any other pson or psons for anye other thing concerninge this our present graunt or the true meaninge of the same And therevppon if he the said Dauid Stewart his executors admynistr- and assignes and everie of them doe not from tyme to tyme and att all tymes yealde and submitt themselues therein to the Orders and decrees of our Court of Exchequer Chamber in that behalfe made and to be made and doe not from tyme to tyme abide stand to obaye and performe the same in all poynt<sup>e</sup> according to the tenor effect and true meaning thereof That then and from thenceforth this present graunt of the premisses and everie matter and thing therein contayned to be voyde frustrate and of none effect Although expresse mencon &c witnes our selfe att Westm' the Fift daye of Aprill, pbre de priuato sigillo: &c: 1610

XI Samuel Tower v Leighton in the King's Bench for a debt of £40 and £1 for costs  
Public Record Office, KB 27/1414 rot 438

London̄//memorandum quod alius scilicet Termino sancti Hillarij vltimo praeterito coram domino Rege apud Westmonisterium venit Samueli Tower generosus per Johannem Cannester attornatum suum et protulit hic in Curia dicti domini Regis tunc ibidem quandam billam suam versus Willelmum Leighton de Plashe in Comitatu Salopie militem in Custodia marreshalli &c de placito debiti et sunt Plegagium de prosecutione scilicet Johannes Doo et Ricus Roo<sup>11)</sup> Que quidem billa sequitur in hec verba / London̄ / Samueli Tower generosus queritur de Willelmo Leighton de Plashe in Comitatu Salopie militem in Custodia marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddat eius quadraginta libras legalis monete Anglie quas eius debet et iniuste detinet pro eo videlicet quod cum praedictus Willelmus vicesimo quarto die Decembris anno regni domini Jacobi nunc Regis Anglie tertio apud London̄ videlicet in perochia beatae mariae de arcubre in Warda de Cheap London̄ per quoddam scriptum suum obligatorem Sigillo ipsius Willelmi sigillatum Curiaque dicti domini Regis nunc hic ostens cuius datum est eisdem die et anno cognovit se tenerum et firmitum obligarum praefato Samueli in praedictas quadraginta libras Solvendum eidem Samueli cum inde requisitum esset praedictus tamen Willelmus licet sepius requisitum &c praedictas quadraginta libras praefato Samueli nondum soluit Sed illi ei hucusque soluere omnino contradixit et adhuc contrdicit ad dampnum ipsius Samuelis decem librarum et inde productus sectam &c./

Et modo ad hunc scilicet diem mercurij proximum post xvij Pasche isto eodem Termino vsque quem diem praedictus Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum &c coram domino Rege apud Westmonisterium venit Samueli Tower per attornatum suum praedictum er praedictus Willelmus ad eudem diem licet sollempnitum exactum non venit nec aliquid dicit in barram sine praeclusionem accionis ipsius Samueli praedicti per quod idem Samueli remanet versus praefatum Willelmum inde indefensus &c.

Ideo consessus est quod praedictus Samueli Tower recuperet versus praefatum Willelmum Leighton debitum suum praedictum necnon viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis debitoris illius quam pro missis et custagiis suis per ipsum circa sectam suam in hac parte apponit eidem Samueli per Curiam dicti domini Regis hic ex assensu suo adindicat et praedictus Willelmus in nuntia &c.

Debitum et dampnum.....xlj<sup>11</sup>

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XII George Pollard v Leighton in the King's Bench for a debt of £100 and £1 for costs  
Public Record Office, KB 27/1414 rot 599

London̄//memorandum quod alius scilicet Termino sancti Hillarij vltimo praeterito coram domino Rege apud Westmonisterium venit Georgius Pollard armiger per Christoferum Hoddesdon attornatum suum et protulit hic in Curia dicti domini Regis tunc ibidem quandam billam suam versus Willelmum Leighton de Plashe in Comitatu Salopie militem in Custodia marreshalli &c de placito debiti et sunt plegagium de prosecutione scilicet Johannes Doo et Ricus Roo Que quidem billa sequitur in hec verba / London̄ / Georgius Pollarde armiger queritur de Willelmo Leighton de Plashe in Comitatu Salopie militem in Custodia marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddat eius Centum libras legalis monete Anglie quas eius debet et iniuste detinet pro eo videlicet quod cum praedictus Willelmus decimo tertio die Decembris anno regni domini Jacobi nunc Regis Anglie tertio apud London̄ videlicet in perochia beatae mariae de arcubre in Warda de Cheap London̄ per quoddam scriptum suum obligatorem sigillo ipsius Willelmi sigillatum Curiaque dicti domini Regis nunc hic ostens cuius datum est eisdem die et anno praedictis cognovit se tenerum et firmitum obligarum praefato Georgis in praedictas Centum libras soluendum eidem Georgis sum inde requisitum esset praedictus tamen Willelmus licet sepius requisitum &c praedictas Centum libras praefato Georgis nondum soluit sed illi ei hucusque soluere omnino contradixit et adhuc contradicit ad dampnum ipsius Georgij viginti librarum et inde productus sectam &c.

Et modo ad hunc diem scilicet diem mercurij proximum post xvij Pasche isto eodem Termino vsque quem diem praedictus Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum &c coram domino Rege apud Westmonisterium venit praedictus Georgius Pollard per attornatum suum praedictum et praedictus Willelmus ad eundem diem licet sollempnitum exactum non venit nec aliquid dicit in barram sine praecclusionem accionis ipsius Georgij praedicti per quod idem Georgius remanet versus praefatum Willelmum indefensus &c.

Ideo consessus est quod praedictus Georgius Pollard recuperet versus praefatum Willelmus Leighton debitum suum praedictum necnon viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis debitoris illius quam pro missis et custagiis suis per ipsum circa sectam suam in hac parte apponit eidem Georgis per Curiam domini Regis hic ex assensu suo adindicat et praedictus Willelmus Leighton in nuntia &c.

Debitum et dampnum.....Cj<sup>14</sup>

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XIII William Jobson v Leighton King's Bench for a debt of £100 and £1 for costs  
Public Record Office, KB 27/1415 rot 457

London//Rex mandavit vicinagium London breve suum Clarum in hec verba—Jacobus dei gratia Anglie Scotie Francie et Hiberie Rex fidei defensor<sup>&c</sup> vicinagium London salutem Cum Willelmus Jobson impetrator in Curia vestra coram nobis apud Westmonsiterium per billam sine brevi vestro ac per iudicium eiusdem Curia recuperanitur versus Willelmum Leighton de Flash in Comitatu Salopie militem Centum libras de debito necnon viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis eiusdem debitoris quam pro missis et custagiis suis per ipsum circa sectam suam in hac parte apponit vnde idem Willelmus Leighton Convictus est sicut nobis constat de recordo ac iam ex parte praedicti Willelmi Jobson in Curia vestra coram nobis accepunius quod licet Iudicium inde reddendum sit Execucionem tamen de debito et dampnis praedictis eis adhuc restat faciendum vnde nobis supplicantur idem Willelmus Jobson sibi de remedio congruo in hac parte provideri et nos in hac parte fieri volentem quod sit iustum vobis praecipimus quod per probos et legales homines de balliua vestra scire facit praefato Willelmo Leighton quod sit coram nobis apud Westmonisterium die veneris proximum post Octavo sancte Trinitatis ad ostendendum si quid pro se habeat velidicere sciat quare praedictus Willelmus Jobson execucionem suam versus eum de debito et dampnis praedictis habere non debeat iuxta vnum formam et effectum recuperacionis praedictum si sibi viderus et expiderus et vltimus facturus et recepturus quod Curia vestra coram nobis de eo adtunc et ibidem consessus in hac parte et habeat ibi tunc nomina eorum per quas ei scire fecerit et hoc breve T. T. Flemyng apud Westmonisterium xvj<sup>o</sup> die Junij anno regni Anglie Francie et Hibernie septimo et Scotie quadragesimo secundo. Ad quem diem coram domino Rege apud Westmonisterium venit praedictus Willelmus Jobson in propria persona sua et vicinagium London praedictum videlicet Ricus Farrington et Georgius Bolles retornabilis quod praedictus Willelmus Leighton nichil habet in balliua sua vbi et scire facere possint nec est inuentum in eadem et ipse non venit Ideo precatus est vicinagium London praedictum sicut primus quod per probos &c scire facerent praefato Willelmo Leighton quod sint coram domino Rege apud Westmonisterium die Sabbatinus proximum post xvij sancte Trinitatis ad ostendendum in forma praedicta &c et vltimus &c Idem dies datum est praefato Willelmo Jobson ibidem &c ad quem diem coram domino Rege apud Westmonisterium venit praedictus Willelmus Jobson in propria persona sua et vicinagium London praedictum sicut primus retornabilis quod praedictus Willelmus Leighton nichil habet in balliua sua vbi ei scire facere possint nec est inuentum in eadem et praedictus Willelmus Leighton ad eadem diem licet sollempnitum exactum non venit sed defaultum fecit Ideo consessus est quod praedictus Willelmus Jobson habeat execucionem suam versus praefatum Willelmum Leighton de debito et dampnis praedictis iuxta vnum formam et effectum recuperacionis praedictis &c.

Debitum et dampnum.....Cj<sup>14</sup>

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XIV Leighton v Elizabeth Knowles and Abraham Jacob in the Chancery Court seeking the return of a bond of £800 and an injunction staying proceedings on that bond in the King's Bench

Public Record Office, bill and answer C 2/Jas I. L17/45, report in C 38/18

xviiij die maij 1612  
Laundirs (?)

To the right honorable the Lord Elmer  
lord high Chauncelor of England

Most humbly Compayninge shewth vnto your honorable Lo: you<sup>r</sup> Daily orators, Willia<sup>m</sup> Leighton of Plashe in the County of Salop knight, & Harcourt Leighton Esquier, sonne and heier apprant of your said orato<sup>r</sup> Willia<sup>m</sup> Leighton, & other of them, sheweth that aboute 8 yeares past, your said orator Willia<sup>m</sup> Leighton signed sealed & deliuered as his dead a bond of eight hundred pounde, to Abraham Jacob of London gent, & yt was intended, for the benefitt of one elisabeth knowles syster of the said Abrahā Jacob, for security for pformances of some condcones, mentioned in the condcones of the same bond, as may appre by the same bond & otherwise, & for her only vse, And afterward<sup>e</sup> your said orator William Leighton, cam to new compositions w<sup>th</sup> the said Abrahā Jacob & Elisabeth Knowles, & in full satisfaction of the said bond, & euery matter & thinge thearin contayned or intended, and at the earnest request of the said Abraham Jacob & elisabeth knowles, you<sup>r</sup> said orato<sup>r</sup> Willia<sup>m</sup> Leighton (wheras there was diuers Debtes then Due to him the said S<sup>r</sup> William from the Right Honrble the Earles of Shrosbery and Suffolk was contented, that the said Abraham Jacob should out of those Debtes so due from the saide Earles rec the sumes of 200<sup>li</sup> And accordinly first the said Earle of Suffolk & Sir Thomas Mnson & (BLANK) Renells entred in too & sealed and deliuered vnto the said Abrahā Jacob a bond of the Some of 200<sup>li</sup> to pay 100<sup>li</sup> vnto the said Abrahā Jacob, at a day & place certaine, specified in the condicion of the said bond of 200<sup>li</sup>, And yt was then Couenaunted & pmissid by word<sup>e</sup>, betwene you<sup>r</sup> said orator William Leighton, & the saide Abraham Jacob: And the said Abrahā Jacob did pmissid then that yf the said some of one 100<sup>li</sup> should not be satisfied at the very Day that the said bond of 200<sup>li</sup> should then bee and remayne in his custody: to the vse of your said Orator William Leighton, & to be disposed at his will and pleasure, in satisfaction of what Damaige your said orator Willia<sup>m</sup> Leighton should sustaine for want of Due payment of the said some of 100<sup>li</sup> by the Earle of Suffolk according to the meaning of the said bonde of 200<sup>li</sup> / And the said Abraham Jacob by Sir Charles Candidishe & on m<sup>r</sup> Boothe, afterward<sup>e</sup> had on other bond of 200<sup>li</sup> sealed and deliuered vnto him, for the payment of on hundred pounde of the said Debt Due from the Right Honrble Earle of Shrosbery, w<sup>ch</sup> the said Abrahā Jacob, by the appointent of your said Orato<sup>r</sup> Willia<sup>m</sup> Leighton, receiued vpon the like condcon, & couenaunt & pmissid made vnto your said Orato<sup>r</sup> Willia<sup>m</sup> Leighton, by the said Abrahā Jacob that the same bonde of the said Sir Charles should remayne w<sup>th</sup> him, to the vse of your said Orator Willia<sup>m</sup> Leighton, yf the same should be forfeted, & the 100<sup>li</sup> in the condicion of the same bonde not satisfied accordingly, toward<sup>e</sup> satisfaction of such indemnities & damages as your Orator should sustaine, through Default of non payment of the same 100<sup>li</sup>. But yf yt please you<sup>r</sup> Honrble Lo: so yt ys that the said Abraham Jacob havinge the said first bond so sealed and deliuered, by the Right Honoble the Earle of Suffolk & others bonde, in the same bond in his custody & forfeted, for non payment of the same 100<sup>li</sup> specified in the condicion of the same bond, contrary to his faithfull pmissid made, and the trust reposed in him by you<sup>r</sup> orator William Leighton, compounded w<sup>th</sup> the said Earle of Suffolk, and vnawares, & w<sup>th</sup>out the privity of you<sup>r</sup> said orator Willia<sup>m</sup> Leighton accepted of the said bare principall Debt of on hundred pounde in the condcon of the said bond, w<sup>ch</sup> the said Earle of Suffolk entred in to, & deliuered vp the former bond of 200<sup>li</sup> to the said Earle of Suffolk cancelled and Defaced, & left your said orator remediles for Damages sustayned by reason the same 100<sup>li</sup> was not duly paid in a long tyme after the same was so Del to the said Abraham Jacob, and that notw<sup>th</sup> standinge the said Abraham Jacob would Dral your Orator William Leighton in to many mischifes and Inconueniences for satisfaction to him and his Syster by reason of the same non payment, And the said Abraham Jacob and the said Elisabeth Knowles Charles Bostock of London gent and on Thomas Greene of (BLANK) in the County of Warwick gent beinge factors and dealers for the said Elisabeth, w<sup>ch</sup> your said orator William Leighton the p<sup>r</sup>msses notw<sup>th</sup> standinge haue combined together to the expresst wronge of your said orators, and some of them having secretly p<sup>r</sup>cured, the said bond of 800<sup>li</sup>, to be assigned to some to theare p<sup>r</sup>per vses, contrary to the true meanige as your orators are enformed, & do threaten to sue or to cause, the said bond of 800<sup>li</sup> to be sued & to be layed vpon the body of you<sup>r</sup> said orator Willia<sup>m</sup> Leighton or to be sued & recouered to haue the some of 800<sup>li</sup>, & to be leuiud out of such lande as you<sup>r</sup> orators haue allredy or hope to inheritt, whearfore & for that you<sup>r</sup> orators are loth that there estat<sup>e</sup> should contine longe subiect, to the incubrance of so great bonde, & that the same ys a

great discredit & hinderance to the p'ferment of your said orator Harcourt Leighton, And that you<sup>r</sup> orators do hope yt will be confessed or proued, that your said orato<sup>r</sup> Willia Leighton, hath in all things Justely pformed all condones toward the said Abraham Jacob & Elisabeth Knowles, and ys still redy to geaue such contentment as to this Honorable Court in equity shall be pleased to consider of, Notw<sup>th</sup> standing that not only the said Abraham Jacob & Elisabeth Knowles but also the said Charles Bostock & Thomas Greene, as factors for the said Elisabeth Knowles by whose pswascons you<sup>r</sup> said orator Willia Leighton was pswaded to geaue such satisfaction to the said Abraham Jacob & Elisabeth Knowles, haue by theare faithfull pmisses heeretofore vndertaken on the behalfe of the said Elisabeth Knowles that the said bond of 800<sup>±</sup> should be cancelled & deliuered vp to your said orator Willia Leighton May yt please you<sup>r</sup> Honble Lo: to graunt vnto y<sup>r</sup> Orators S<sup>r</sup> William Leighton and Harcourte Leighton the King Ma<sup>tis</sup> most gratiouse writt of subpena to be directed to the said Abraham Jacob Elisabeth Knowles Charles Bastock and Thomas Greene & every of them Comaunding them thereby, at a certayne daye p'vided vnder a payne therin to be limyted psonally to appeare, before his Ma<sup>tie</sup> in the High Courte of Chauncery & then & there to show cause whearfore the said bond of 800<sup>±</sup> should not be redeliuered vp cancelled and why your said orator Willia Leighton should not be releued in equity against the same Abraham Jacob for matter whearin the said Abraham hath failed to pforme the trust in him reposed by your said orator William Leighton & directly to answeare to euery pticular of the pmisses that this honorable court being satisfied of the truth theareof, may order the same accordingly: And also to graunt An Iniunction to stave pceedinge at the Comon lawe And y<sup>r</sup> Orators shall Continually praye &c /

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Vterque iur 12 Junij 1612 Mat: Caroli

The Joynt & seu'all answeres of Abraham Jacob & Elisabeth Knowles twoe of the defend<sup>te</sup>, to the bill of Complaint of S<sup>r</sup> Willm Leighton Knight, & Harcourt Leighton sonne and heyre apparant of the said S<sup>r</sup> Willm Compl<sup>te</sup>:

All advantage excepcon to the incertaintye & insufficiencie of the said bill of Complaint vnto these defe<sup>te</sup> & either of them, nowe & at all tymes hereafter saved & allowed, they therevnto Jointlye & seu'allie answeare and saye: And first the said Elisabeth Knowles vnto soe much of the said bill of Complaint as in anywise concerneth her pticular, for herselfe answereth & saith that about seaven yeares sythence yt was concluded & agreed vpon betwene S<sup>r</sup> Wm Leighton one of the said Compl<sup>te</sup> & this defe<sup>t</sup> Elisabeth Knowles, That the said Elisabeth Knowles should have payd vnto her yearlye & eu'ye yeare duringe the Joynt lyves of her the said Elisabeth & one Wm Leighton Esquier father of the said compl<sup>te</sup>, thirtie pounde of currant money of Englande, & after the death of the said Willm Leighton the compl<sup>te</sup> father then the some of one hundred m'kes p ann duringe her the said Elisabeth owne naturall lyfe, wch paymente & somes of money beinge for Important causes & consideracons agreed vpon to be payd in mann' aforesaid, yt was likewise agreed vpon betweene the said pties that certen Articles Indented should be drawn accordingly, & a bonde of eight hundred pounde made & entred into for the pformance of the same, & this defe<sup>t</sup> Elisabeth Knowles dyd nomynate & appoynt the said other defe<sup>t</sup> Abraham Jacob her naturall brother by the mother syde, to be the ptie wth whome & vnto whome the Articles & bonde aforesaid should be entred into & made for her & on her behalfe, And therevpon yt was by Articles Indented bearinge date the thirtieth daye of Maie in the third yeare of his Ma<sup>te</sup> Raigne, betwene the said Compl<sup>te</sup> S<sup>r</sup> W<sup>m</sup> Leighton, by the name of S<sup>r</sup> W<sup>m</sup> Layton of Plaishe in the Countye of Salopp knight on the one ptie, & the said def<sup>t</sup> Abraham Jacob, by the name of Abraham Jacob of London Gent on the other ptie, (amongst other thinge) concluded agreed vpon, That the said S<sup>r</sup> W<sup>m</sup> Layton his heyres executo<sup>r</sup>s admynistrato<sup>r</sup>s or assignes or some of them, should well & trulye paye vnto the said Abraham Jacob his executo<sup>r</sup>s administrato<sup>r</sup>s or assignes, at or w<sup>th</sup> in the vsuall place appoynted for paym<sup>te</sup> & recyt<sup>e</sup> of money scytuate w<sup>th</sup> in the Royall Exchange in London the some of thirtie pounde of lawfull money of Englande yearlye for & duringe the Joint naturall lyves of Wm Layton, father of the said S<sup>r</sup> W<sup>m</sup>, & of the said Elisabeth Knowles at fower vsuall Feast or Termes of the yeare, that is to saye at the Feast of S<sup>t</sup> Michaell the Archangell, the Birth of o<sup>r</sup> Lord god, Thanuntiacon of o<sup>r</sup> Ladye S<sup>t</sup> Marye the Virgyn, and the nativitye of S<sup>t</sup> John Baptist, or w<sup>th</sup> in

twentie daies next after eu'ye of the said Feast dayes by even & equall porcons, the first paym<sup>t</sup> thereof to be made at the Feast of S<sup>t</sup> Michaell Tharchangell then next followinge: And yf the said Wm Layton father of the said S<sup>r</sup> W<sup>m</sup> should happen to depte out of this mortall lyfe before the said Elizabeth Knowles: That then the said S<sup>r</sup> W<sup>m</sup> Layton his heires executo<sup>r</sup>s admynistrato<sup>r</sup>s or assignes should well and trulye paye or cause to paye vnto the said Abraham Jacob his executo<sup>r</sup>s admynistrato<sup>r</sup>s or assignes at the place aforesaid, the some of one hundred m'kes of lawfull money of England, yearlye for & duringe the naturall lyfe of the said Elizabeth Knowles, at the fower vsuall Feast<sup>e</sup> aforesaid, or w<sup>th</sup> in twentie dayes next after eu'ye of the said Feast dayes by even & equall porcons, the first paym<sup>t</sup> thereof to be made & begyn at such of the said Feast<sup>e</sup> as first ensues after the end of six monethes after the death of the said W<sup>m</sup> Layton father of the said S<sup>r</sup> W<sup>m</sup>, or w<sup>th</sup> in twentie dayes then next followinge: And further yt was by the said Articles concluded & agreed, That yf the said S<sup>r</sup> W<sup>m</sup> Layton his heires executo<sup>r</sup>s & admynistrato<sup>r</sup>s & eu'ye of them, dyd & should for his and their pte well and trulye observe pforme fulfill & keepe all & eu'ye the Covenant<sup>e</sup> graunte articles condicons & agrement<sup>e</sup>, & all other thinge wch on his & their pte were, are, or ought to be pformed & kept menconed & specified in the said Articles of agrement<sup>e</sup>, in & by all thinge accordinge to the purporte effect & true meaninge thereof, That then a certen single obligacon of eight hundred poundes bearinge the date of the said articles and beinge the obligacon in the said bill of complaint menconed, wherein the said complt S<sup>r</sup> W<sup>m</sup> Layton became bounde to the said defe<sup>t</sup> Abraham Jacob, should be voyd frustrate & of none effect as by the principall pte of the said Articles Indented signed sealed & deliyed by the said complt vnto the said defe<sup>t</sup>, vnto wch for more certaintye reference be had yt doth and may more plainlye & fullye & more at large appeare: And this defe<sup>t</sup> Elizabeth Knowles further answereth & saith, that the said Compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Leighton (as yt seemeth) little weighinge or regardinge the said Articles vnder his hande & seale or the said bonde of eight hundred pounde, was arreare & behynde sythence the death of the said complt<sup>e</sup> father whoe dyed about fower yeares synce, wth all the Annuall & yearlye paym<sup>te</sup> of one hundred m'kes by yeare, wch by the said Articles he should have payd, soe as there ys owinge & in all equitye & conscyence due and payable vnto this defe<sup>t</sup> fower hundred m'kes, For this defe<sup>t</sup> saith that neither she nor anye psons or psons to or for her vse to her knowledge, dyd ever sythence the death of the said complt<sup>e</sup> father, receyve the said Annutitye or annual some of one hundred markes or anye pennye thereof. And whereas the said Compl<sup>t</sup> S<sup>r</sup> Willm Leighton p'tendeth that he came to newe composicon wth these defende<sup>te</sup> & in full satisfaccon of the said bonde & eu'ye matter & thinge therein contayned or intended, set over certain debt<sup>e</sup> of the Right Hono<sup>ble</sup> the Earles of Suffolk & Shrewsburie, Therevnto this defe<sup>t</sup> Elizabeth Knowles answereth & saith that she beinge poore & wearyed with Importuninge the said Compl<sup>t</sup> for paym<sup>t</sup> of the said Annuities & arrearages thereof, And he the said Compl<sup>t</sup> beinge in Execucon for debt in the Kinge Bench, By reason whereof this defende<sup>t</sup> supposed that she (not beinge able either to travell about anye such busynes & suit or to defraye the charge of the same) should be delayed & dryven of, dyd sundrye tymes treat wth the said complt<sup>e</sup> about the paym<sup>t</sup> of the said Annuities, or Annuall somes of money due by the said Articles & the arrerage thereof, But there was nothings concluded or reduced into certaintye either by wrytinge or otherwise to this defende<sup>te</sup> remembrance, touchinge or concerninge the said speach & treatye: Howbeyt this defe<sup>t</sup> confesseth & saith that the Earle of Suffolk S<sup>r</sup> Thomas Munson Knight and one Mr Renoldes about thre yeares sythence for a debt of one hundred poundes due by the said Earle vnto the said Compl<sup>t</sup>, dyd by his consent become bounde in the penall some of twoe hundred pounde vnto the other defe<sup>t</sup> Abraham Jacob with condicon for the paym<sup>t</sup> of one hundred pounde wch some of one hundred pounde after much labour travell & intreatye thereabout<sup>e</sup> was at length satisfied & payd vnto this defe<sup>te</sup> brother, & was by him receyved vnto her this defe<sup>te</sup> vse: And this defe<sup>t</sup> lykewise confesseth & saith that about Michaelmas last past or not long after, S<sup>r</sup> Charles Cavendish Knight & one M<sup>r</sup> Booth, by the lyke consent of the said complt & for a debt due vnto him by the Earle of Srewsbury became bounde vnto the other defe<sup>t</sup> Abraham Jacob in one bonde of one hundred pounde wth condicon for paym<sup>t</sup> of fiftie pounde at a daye nowe past, And in one other bonde of one hundred pounde for the paym<sup>t</sup> of the like some of fiftie pounde in October next, But this defe<sup>t</sup> saith that the said first fiftie pounde is not yet payd, And this defe<sup>t</sup> further saith that the said some of one hundred pounde alreadye receyved, & the said one hundred pounde wch is to be payd when the same shall be receyved will not in anye wise be a sufficient or competent recompence or satisfaccon for the arrearages of the said Annuities & annual somes due as aforesaid in all equitye vnto this said defe<sup>t</sup>. And this defende<sup>t</sup> Elizabeth Knowles lastlye confesseth & saith, there beinge more money in arrerages due vnto her by force and vertue of the said articles, & much more lyke to be due & owinge for that the said Compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Leighton hath broken manye promisses &

ptestacons for and concerninge the paym<sup>t</sup> of the same, & in verye truth neu' payd anye one paym<sup>t</sup> at all  
 accordinge to the said Articles, That she hath caused & p<sup>c</sup>ured her said brother to put the said bonde of eight  
 hundred pounde in suit at the comon lawe of purpose either to gett a Judgem<sup>t</sup> vpon the same & see in some sort  
 to bynde the lande of the said Compl<sup>t</sup> for paym<sup>t</sup> thereof, as lawfull ys for her to doe as she is informed, Or  
 ells to cause & p<sup>c</sup>ure him the said compl<sup>t</sup> to give vnto her or some of her frindes some other & better securitye  
 & collaterall assurance for the keepinge & observeinge of the said Articles wch she thinketh she maye lykewise  
 lawfullye doe, All wch p'misses this defe<sup>t</sup> Elizabeth Knowles humblye offreth to the consideracon of this most  
 Hono<sup>ble</sup> Court, And humblye prayeth to be dismissed forth of the same wth her reasonable cost<sup>e</sup> & charg<sup>e</sup> in  
 this behalfe most wrongfullye had & sustayned: And the said defe<sup>t</sup> Abrahā Jacob for himselfe answereth & saith,  
 that he thinketh the answeere of the other defe<sup>t</sup> Elizabeth Knowles to be true in eu'ye matter & thinge as the  
 same ys therein sett downe & declared, And further answereth & saith that in regarde the said other defe<sup>t</sup>  
 Elizabeth Knowles was not well able to goe about & manage her owne affaires & busynes, He this defende<sup>t</sup> at  
 the intreatye of the said Elizabeth (beinge his naturall sister by the mother syde was content & agreed that  
 his this defe<sup>t</sup> name should be vsed in the foresaid Articles & in the said bonde of eight hundred pounde in  
 the bill of complaint menconed for the p<sup>c</sup>formance of the said Articles as a p<sup>t</sup>ie trusted for the benefitt  
 & behoofe of the said defe<sup>t</sup> Elizabeth Knowles, & therevpon the said compl<sup>t</sup> S<sup>r</sup> Willm Leighton sealed & delyu'ed  
 the said bonde & articles vnto this defe<sup>t</sup>, to the vse behoofe & benefitt of the other defe<sup>t</sup> his sister: And  
 this defe<sup>t</sup> further answereth & saith that in regarde the said compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Leighton dyd not p<sup>c</sup>forme the  
 Covenante & agrement<sup>e</sup> contained in the said articles, accordinge to the purporte & teno<sup>r</sup> of the same, but  
 wilfullye forfeited the said bond of eight hundred pounde: He this defe<sup>t</sup> accordinge to the trust in him reposed,  
 dyd at the intreatye of the said other defe<sup>t</sup> Elizabeth, for whose benefitt the said bonde was made & entred  
 into put the said bonde in suit at the comon lawe as he thinketh he lawfullye might doe, And the said defe<sup>t</sup>  
 Abraham Jacob further answereth and saith that he this defe<sup>t</sup> doth not intend by the said suit to reape anye  
 pfitt or comoditie to himselfe but onlye to discharge the trust in him reposed, & thereby to inforce the said  
 compl<sup>t</sup> S<sup>r</sup> Willm Leighton to paye vnto the other defe<sup>t</sup> Elizabeth all such some or somes of money, or annuall  
 paym<sup>te</sup> as he the said S<sup>r</sup> W<sup>m</sup> ys areare & owinge vnto her by vertue of the foresaid articles & agrement<sup>e</sup>, for  
 p<sup>c</sup>formance whereof the said bond of eight hundred pounde was entred into & made as aforesaid, All wch this  
 defende<sup>t</sup> humblye leaveth to the favourable consideracon of this most Hono<sup>ble</sup> Court And humblye prayeth to be  
 dismissed forth of the same wth his reasonable cost<sup>e</sup> & charg<sup>e</sup> in this behalfe most wrongfullye sustayned.  
 And albeyt there were dyvers treaties speaches & comunicacons Indentures composicons & other agrement<sup>e</sup> for the  
 matters in the said Articles contayned betwene the said compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Leighton & these defe<sup>t</sup>, Yet these defe<sup>t</sup>  
 Jointlye & seu'allie denye that there was anye thinge clerlye or absolutelye concluded therevpon to such  
 effect & purpose as in the said bill of complaint ys menconed & intended: And this defe<sup>t</sup> Abraham Jacob doth  
 denye that he dyd covenant or p<sup>m</sup>isse that yf the some of one hundred pounde, wch was due by the condicon of  
 the bonde entred vnto this defe<sup>t</sup> by the right hono<sup>ble</sup> the Earle of Suffolke & others in the bill of complaint  
 named were not payd at the verye daye, That then the said bonde should remayne in this defe<sup>t</sup> custodye, to  
 the vse of the said Compl<sup>t</sup>, & to be disposed of at his pleasure as in the said bill of complaint ys recorded,  
 Howbeyt this defe<sup>t</sup> Abraham Jacob confesseth & saith that the said Earle of Suffolke S<sup>r</sup> Thomas Munson & M<sup>r</sup>  
 Renold<sup>e</sup> about fower yeares sythence for a debt of one hundred pounde, due by the said Earle vnto the said Compl<sup>t</sup>  
 S<sup>r</sup> W<sup>m</sup> Leighton, dyd for the benefitt & behoofe of the other defende<sup>t</sup> Elizabeth by the consent of the said  
 S<sup>r</sup> W<sup>m</sup>, become bounde in the penall some of twoe hundred pounde vnto this this sic defe<sup>t</sup>, wth condicon for the  
 paym<sup>t</sup> of one hundred pounde, wch said some of one hundred pounde this defe<sup>t</sup> by & wth the consent & appoyntm<sup>t</sup>  
 of the said Elizabeth thother defe<sup>t</sup>, & to & for her vse, sythence receyved, And these defe<sup>t</sup> doe denye that  
 Abraham Jacob one of the said defende<sup>t</sup> had by S<sup>r</sup> Charles Cauendishe & one M<sup>r</sup> Booth one other bonde of twoe  
 hundred pounde sealed & delyu'ed vnto him for the paym<sup>t</sup> of one hundred pounde for the debt of the said Compl<sup>t</sup>  
 due from the Right Hono<sup>ble</sup> the Earle of Shrewsburye vpon anye p<sup>m</sup>isse vnto the said Compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> by the said  
 defe<sup>t</sup> Abraham Jacob that the said bonde should remayne wth the said defende<sup>t</sup> to the vse of the sayd Compl<sup>t</sup>  
 yf the same should be forfeited, as in the said bill of complaint ys alledged: Howbeyt this defe<sup>t</sup> Abraham  
 Jacob confesseth & saith that about Michaelmas last was a twelvemoneth or not long before, S<sup>r</sup> Charles  
 Cauendishe knight & one M<sup>r</sup> Booth, by the consent of the Compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Leighton, and for a debt due vnto him  
 by the Earle of Shrewsburye became bounde vnto this defe<sup>t</sup> in one bonde of one hundred pounde wth condicon  
 for paym<sup>t</sup> of fiftie pounde at a daye nowe past, & in one other bonde of one hundred pounde for the the sic  
 paym<sup>t</sup> of the lyke some of fiftie pounde in October next, wch said bonde were taken by the consent of the said  
 Compl<sup>t</sup> S<sup>r</sup> W<sup>m</sup>, for the onelye benefitt & behoofe of the said defe<sup>t</sup> Elizabeth, & sealed and delyu'ed vnto this  
 defe<sup>t</sup> as a p<sup>son</sup> speciallye chosen & trusted in that behalfe, & therefore (the p'misses considered) the said

compt S<sup>r</sup> Wm Leighton neither hath nor eu' had anye right to the said bonde (as this defe<sup>t</sup> verilye thinketh) And this defe<sup>t</sup> Abraham Jacob further answereth & saith that albeyt the said twoe seu'all bonde entred into by the said S<sup>r</sup> Charles Cauvendishe & the said Mr Booth the one of them forfeited, and the other not yet due, were made & taken for the vse behoofe & benefitt of the defe<sup>t</sup> Elizabeth Knowles, & that she hath better right to take the advantage of the forfeiture thereof (the p'misses considered & in case anye were intended to be taken) then the said Compt, Yet nevertheless these defe<sup>te</sup> are & will be willinge & readye to delyu' the said twoe bonde vnto the said Compt S<sup>r</sup> W<sup>m</sup> or anye for him, that will first satisfie & paye vnto this defe<sup>t</sup> or to his said sister vnto whome the same of Right belongeth, the said seu'all somes of fiftie poundes principall money menconed in the seu'all condicions of the said obligacons & will not be against anye reasonable course that the said Compt S<sup>r</sup> W<sup>m</sup> Leighton shall & maye vndertake touchinge & concerninge the same: And these defe<sup>te</sup> doe denye that they these defe<sup>te</sup> combyned w<sup>th</sup> the other defe<sup>te</sup> in the said bill of complaint named to the expresse wronge of the said compt in mano<sup>r</sup> & forme as in the said bill of complaint ys malitiouslye p'tended: And w<sup>th</sup> out that that these defe<sup>te</sup> or thother defe<sup>te</sup> in the said bill of complaint named have secretlye p<sup>u</sup>red the said bonde of 800<sup>li</sup> to be assigned to some to their pp vses contrarye to true meaninge. Or that these defe<sup>te</sup> had anye cause soe to doe, For these defe<sup>te</sup> doe averr & hope to p<sup>u</sup>ve that the said bonde was made bona fide, & for the benefitt & behoofe of the said defe<sup>t</sup>, Elizabeth & for other good & Important consideracons: And these defe<sup>te</sup> doe denye that the (incumbr)ance<sup>12)</sup> of the said bonde of 800<sup>li</sup> ys anye suche great discredit & hinderance to the p'ferment of the said Compt Harcourt Leighton as in the said bill of complaint ys p'tended, or that yt is anye thinge materiall vnto these defe<sup>te</sup> (the p'misses before alledged considered) yf the said Compt Harcourt be thereby p'iudiced. Howbeyt these defende<sup>te</sup> further answere & saye that the said Compt Harcourt Leighton is allreadye p'ferred in marriage w<sup>th</sup> the daughter of one. S<sup>r</sup> (BLANK)<sup>13)</sup> Dancye Knight by whome he hath (as these defe<sup>te</sup> have bene informed) a good & competant porcon of the money, & therefore as these defe<sup>te</sup> take yt can not be much p'iudiced by anye thinge wch these defende<sup>te</sup> doe vndertake or goe about touchinge & concerninge the p'misses: And these defe<sup>te</sup> doe Jointlye & seu'allye denye vpon their oathes that the said Compt S<sup>r</sup> W<sup>m</sup> Leighton hath in all thinges Justlye p'formed all condicions towarde these defende<sup>te</sup> or that these defe<sup>te</sup> p'mised that the said bonde of 800<sup>li</sup> should be cancelled & delyu'ed to the said Compt in mann' & forme as in the said bill of complaint ys alledged, For these defe<sup>te</sup> saye that the said compt S<sup>r</sup> Wm Leighton, hath either altogether or for the most pte fayled in p'formance of his Covenant & p'mises wch he made vnto these defe<sup>te</sup>, & to the best of these defende<sup>te</sup> remembrance never dyrectlye, plainlye Justlye or trulye p'formed anye Covenant or p'mise wth them, And w<sup>th</sup> out that that there is anye other matter or thinge in the said bill of complaint contayned materiall or effectuall in the lawe to be answered vnto by these defe<sup>te</sup> & herein not sufficientlye answered vnto confessed or avoyded trau'sed or denied ys true All wch matter &c/

Chr Brooke

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tertio die novbr  
1612

Inter Willm Leighton mil et al quem  
Abrahami Jacob et Eliz: Knowles  
defendentes

By direction of an order of the xxj<sup>th</sup> October last I have in presence of Councell on both pte Considered of the p<sup>r</sup> Bill and of the defende<sup>te</sup> Answeres and of the Exceptions<sup>14)</sup> taken by the p<sup>r</sup> to the Insufficiencie of the said Answeres And am of opynion that the said Answeres be good and sufficient notwithstandinge the said excepcons to the same mayne poynte thereof excepted vnto as I conceave restinge vpon a newe Composicon or agreement layde downe in the Bill to have bene made with the defende<sup>t</sup> for the discharge of certain Articles and a bond of 800<sup>li</sup> nowe put in sute at lawe entred formerly vnto the said Jacob one of the defende<sup>te</sup> for the vse and behalf of y<sup>e</sup> said m<sup>res</sup> Knowles the other defe<sup>t</sup> touchinge the payment of certain Annuities to the said m<sup>res</sup> Knowles w<sup>ch</sup> matter of newe Agreement and Composicon soe supposed to be made by them I finde they have denied as it is Charged in the Bill with an Inducement to the said general denyall by alleaginge there was treatie about a newe Agreement bot noe Conclusion which manner of Answeres beinge good to a Common Intent as I concieve I doe and must Allowe the said Answeres good in the said poynte, the other poynte excepted vnto I

holde they be alsoe either well answered or not marterlyall to be answered vnto beinge rather obiections to the truth of the Answer then otherwise.

Signed Ille Thoresly

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XV Abraham Jacob v Leighton in the King's Bench for a debt of £800  
Public Record Office, KB 27/1435 rot 373

London//memorandum quod alius scilicet Termino Pasche vltimo praeterito coram domino Rege apud Westmonisterium venit Abrahamus Jacob generosus per Willelmus Juniper (or Jumper) attornatum suum et protulit hic in Curia dicti domini Regis tunc ibidem quandam billam suam versus Willelmum Leighton militem, alias Willelmum Layton de Playshe in Comitatu Saloppie militem in Custodia marreshalli &c de placito debiti et sunt Plegagium de prosecutione scilicet Johannes Doo et Ricus Roo que quidem billa sequitur in hec verba / London / Abrahamus Jacob generosus queritur de Willelmo Leighton militem, alias Willelmo Layton de Playshe in Comitatu Saloppie militem in Custodia marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddat eius octingenta libras legalis monete Anglie quas eius debet et iniuste detinet pro eo videlicet quod cum praedictus Willelmus tricesimo die maij anno regni domini Jacobi nunc Regis Anglie Tercio apud London videlicet in perochia beatae mariae de arcubre in Warda de Cheape London per quoddam scriptum suum obligatorem sigillo ipsius Willelmi sigillatum Curiaque dicti domini Regis nunc hic ostens Cuius datum est eisdem die et anno cognovit se tenerum et firmitum obligarum praefato Abrahamo in praedictas octingenta libras soluendum eidem Abrahamo cum inde requisitum esset praedictus tamen Willelmus licet sepius requisitum &c praedictas octingenta libras praefato Abrahamo nondum soluit sed illi eum hucusque soluere omnino contradixit et adhuc contradicit ad dampnum ipsius Willelmi<sup>15)</sup> Centum librarum et inde productus sectam &c.

Et modo ad hunc diem scilicet diem veneris proximum post Octavo sancti Michaelis isto eodem Termino vsque quem diem Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum &c Coram domino Rege apud Westmonisterium venit tam praedictus Abrahamus Jacob per attornatum suum praedictum quam praedictus Willelmus per Ricum Sylyard attornatum suum et idem Willelmus defendere vnum et iniuram quando &c

Et dicit quod ipse de debito praedicto virtute scripti obligatorum praedicti onerari non debet quia dicit quod tempore confectationis scripti illi ipse idem Willelmus apud London praedictus in perochia et Warda praedictus imprisonatum sint per praedictum Abrahamum et alii de Covenia sua et ibidem in priona detentionis quovsque per vnum et duriciam imprisonamentum illam, scriptum illud, praefato Abrahamo fecit et hoc peratum est verificare vnde petum Iudicium si ipse de debito praedictis virtute scripti obligatorum praedicti onerari debeat &c

Et praedictus Abrahamus Jacob dicit quod ipse per aliqua per praedictum Willelmum Leighton superius perlitandus allegat ab accione sua praedicta versus ipsum Willelmum habendum praeccludum non debet quia dicit quod dictis tempore confectationis scripti obligatorum praedicti praedictus Willelmus sint suis iuris ad largum et extram quamlibet prisonam et scriptum illud ex mera et spontanea voluntate sua eidem Abrahamo fecit et non per vnum et duriciam imprisonamentam modo et forma prout praedictus Willelmus Superius perlitandus allegavit et hoc petum quod inquirat per priamum et praedictus Willelmus scilicet &c Ideo venit inde Iuratum Coram domino Rege apud Westmonisterium die (BLANK) proximum post (BLANK) et qui nec &c ad recognovit &c Quia tam &c Idem dies datum est perticulus praedictus ibidem &c.

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XVI William Wonham v Leighton in the King's Bench for a debt of £30 and £1 for costs  
Public Record Office, KB 27/1426 rot 586

London̄//memorandum quod alius scilicet Termino sancti Michaelis vltimo praeterito coram domino Rege apud Westmonisterium venit Willelmus Wonham generosus per Arthurum Blunt attornatum suum et protulit hic in Curia domini Regis tunc ibidem quandam billam suam versus Willelmum Leighton militem alias dictum Willelmum Leighton de Plashe in Comitatu Salopie militem et Johannem Parry armigerum alias dictum Johannem Parry de Poston in Comitatu Herefordie armigerum in Custodia marreshalli &c de placito debiti et sunt Plegagium de prosecutione scilicet Johannes Doo et Ricus Roo que quidem billa sequitur in hec verba / London̄ / Willelmus Wonham generosus queritur de Willelmo Leighton militem alias dicto Willelmo Leighton de Flash in Comitatu Salopie militem et Johanne Parry armigerum alias dicto Johanne Parry de Poston in Comitatu Herefordie armigerum in Custodia marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddant ei triginta libras legalis monete Anglie quas ei debent et iniuste detinent pro eo videlicet quod cum praedictus Willelmus Leighton et Johannes Parry vicesimo secundo die Julij anno regni domini Jacobi nunc Regis Anglie septimo apud London̄ videlicet in perochia beatae mariae de arcubre in Warda de Cheape London̄ per quoddam scriptum suum obligatorem sigillo ipsius Willelmi Leighton et Johannis sigillatum Curiaque dicti domini Regis nunc hic ostens cuius datum est eisdem die et anno cognovit se tenerum et firmitum obligarum praefato Willelmo Wonham in praedictas triginta libras soluendum eidem Willelmo Wonham cum inde requisitum esset praedictis tamen Willelmus Leighton et Johannes Parry licet sepius requisitum &c praedictas triginta libras praefato Willelmo Wonham nondum soluerum nec ea alterum soluit sed illi ei hucusque soluere omnino contradixit et adhuc contradicit ad dampnum ipsius Willelmi Wonham decem librarum et inde productus sectam &c.

Et modo ad hunc diem scilicet diem mercurij proximum post xvij Pasche isto eodem Termino vsque quem diem praedicti Willelmus Leighton et Johannes habuint licenciam ad billam praedictam interloquendum et tunc ad respondendum &c Coram domini Rege apud Westmonisterium venit praedictus Willelmus Wonham per attornatum suum praedictum et praedicti Willelmus Leighton et Johannes ad eudem diem sollempnitum exactum non venit nec aliquid dicit in barram sine praeclosurem accionis ipsius Willelmi Wonham praedicti per quod idem Willelmus Wonham remanet inde versus eodem Willelmum Leighton et Johannes indefensus Ideo consessus est quod praedictus Willelmus Wonham recuperet versus praedictus Willelmum Leighton et Johannem debitum suum praedictum nec non viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis debitorum illius quam pro missis et Custagiis suis per ipsum circa sectam suam in hac parte apponit eidem Willelmo Wonham per Curiam domini Regis hic ex assensu suo adindicat et praedictus Willelmus Leighton et Johannes Parry in nuntia Postea scilicet die mercurij proximum post Octavo sancti Michaelis ex tunc proximum sequentum coram eodem domino Rege apud Westmonisterium venit praedictus Willelmus Wonham in propria persona sua et praedicti Willelmus Leighton et Johannes Parry praesentum hic in Curia ad petitionem praedicti Willelmi Wonham comittitur prisone marreshalli in execucione pro debito et dampnis praedictis ibidem remansur quousque &c Postea scilicet diem lune proximum post \_\_\_\_\_ ascensionis dominum anno regni domini Jacobi nunc Regis Anglie duodecimo coram eodem domino Rege apud Westmonisterium venit praedictus Willelmus Wonham per Ricum Seyliard attornatum suum adhoc specialiter constitutum et cognovit se esse satisfacione per praefatum Willelmum Leighton de debito et dampnis Ideo idem Willelmus Leighton et debito et dampnis praeclosure quietus &c.

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XVII William Veisie v Leighton in the King's Bench for a debt of £100 and £1 for costs  
Public Record Office, KB 27/1433 rot 158

London̄//memorandum quod alius scilicet Termino sancti Hillarij vltimo praeterito coram domino Rege apud Westmonisterium venit Willelmus Veisie generosus per Georgium French attornatum suum et protulit hic in Curia dicti domini

Regis tunc ibidem quandam billam suam versus Willelmum Leighton de Flash in Comitatu Saloppie militem in Custodia marreshalli &c de placito debiti et sunt plegagium<sup>de</sup> prosecutione scilicet Johannes Doo et Ricus Roo que quidem billa sequitur in hec verba / London̄ / Willelmus Veisie generosus queritur de Willelmo Leighton de Flash in Comitatu Saloppie militem in Custodia marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddat eius Centum libras legalis monete Anglie quas eius debet et iniuste detinet pro eo videlicet quod cum praedictus Willelmus Leighton vicesimo Octauo die marcij anno regni domini Jacobi nunc Regis Anglie septimo apud London̄ videlicet in perochia beatæ mariae de arcubre in Warda de Cheape London̄ per quoddam scriptum Obligatorem sigillo ipsius Willelmi Leighton sigillatum Curiaque dicti domini Regis nunc hic ostens cuius datum est eidem die et anno cognovit se tenerum et firmitum obligarum praefato Willelmo Veisie in praedictas Centum libras soluendum eidem Willelmo Veisie cum inde requisitum esset praedictus tamen Willelmus Leighton licet sepius requisitum &c praedictas Centum libras praefato Willelmo Veisie nondum soluit Sed illi eius hucusque soluere omnino contradixit et adhuc contradicit ad dampnum ipsius Willelmi Veisie quadraginta librarum et inde productus sectam &c

Et modo ad hunc diem scilicet diem veneris proximum post \_\_\_\_\_ 16) sancti Trinitatis isto eodem Termino vsque quem diem praedictus Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum &c coram domino Rege apud Westmonisterium venit praedictus Willelmus Veisie per attornatum suum praedictum et praedictus Willelmus Leighton ad eundem diem licet sollempnitum exactum non venit nec aliquid dicit in barram sine praeclosurem accionis ipsius Willelmi Veisie praedicti per quod idem Willelmus Veisie remanet inde versus praefatum Willelmum Leighton indefensus &c Ideo consessus est quod praedictus Willelmus Veisie recuperet versus praefatum Willelmum Leighton debitum suum praedictum Necnon viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis debitoris illius quam pro missis et custagiis suis per ipsum circa sectam suam in hac parte apponit eidem Willelmo Veisie per Curia domini Regis hic ex assensu suo adindicat et praedictus Willelmus Leighton in nuntia &c Postea scilicet sabbatinus proximum post xvij sancti Martinis ex tunc proximum sequentem coram domino Rege apud Westmonisterium venit praedictus Willelmus Veisie in propria persona sua et praedictus Willelmus Leighton praesens hic in Curia ad petitionem praedicti Willelmi Veisie per Curia dicti domini Regni hic comittitur marreshalli marchesia domino Regni in execucione pro debito et dampnis praedictis ibidem remansur quousque / Postea scilicet diem lune proximum post xvij sancti Martinis anno regni domini Jacobi nunc Regis Anglie vndecimo coram eodem domino Rege apud Westmonisterium venit praedictus Willelmus Veisie per Carolum Wiseman attornatum suum ad hoc specialiter constitutum et cognovit se esse satisfaccionem per praedictum Willelmum Leighton de debito et dampnis praedictis Ideo idem Willelmus Leighton de debito et dampnis illis et inde quietus &c

Debitum et dampnum.....Cj<sup>14</sup> scored out

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XVIII Roger and Elizabeth Jones v Leighton in the King's Bench for a debt of £200 and £1 for costs  
Public Record Office, KB 27/1435 rot 376

London̄//memorandum quod alius scilicet Terminò Pasche vltimo praeterito coram domino Rege apud Westmonisterium venit Rogerus Jones generosus et Elizabeth uxor eius administratrix omnino et singulorum bonorum et Cattallorum Jurator et Creditor que fuerunt Petri Bostock impetrator viri sui defuncti qui obiit intestati per Christoferum Hoddesdon attornatum suum et protulerunt hic in Curia dicti domini Regis tunc ibidem quandam billam suam versus Willelmum Leighton de Plashe in Comitatu Salopie militem in Custodia marreshalli &c de placito debiti et sunt Plegagium de prosecutione scilicet Johannes Doo et Ricus Roo Que quidem billa sequitur in hec verba / London̄ / Rogerus Jones generosus et Elizabeth uxor eius administratrix omnino et singulorum bonorum et Cattallorum Jurator et Creditor que fuerunt Petri Bostock impetrator viri sui defuncti qui obiit intestati queruntur de Willelmo Leighton de Plashe in Comitatu Salopie militem in Custodia

marreshalli marchesia domini Regis coram ipso Rege existentia de placito quod reddat eius ducenta libras legalis monete Anglie quas eius iniuste detinet pro eo videlicet quod cum praedictus Willelmus vicesimo sexto die Julij anno regni domini Jacobi nunc Regis Anglie octavo apud London videlicet in perochia beatae mariae de arcubre in Warda de Cheape London per quoddam scriptum suum obligatorem sigillo ipsius Willelmi sigillat Curiaque dicti domini Regis nunc hic ostens Cuius datum est die et anno praedicti cognovit se tenerum et firmitum obligarum praefato Petro in vita sua in praedictas ducenta libras solvendum eidem Petro veli executionis suis cum inde requisitum esset praedictus tamen Willelmus licet sepius requisitum &c praedictas ducenta libras praefato Petro in vita sua seu praefato Elizabeth post ipsius Petrus mortem domino ipsa solamine fuit Cum quidem Elizabeth administratrix omnino et singulorum bonorum Cattallorum Jurator et Creditor que fuerunt praedicti Petri tempore mortis sue per Thomas Nevil sacre Theologie professorem decanum ecclesie metropolitice et Cathedrale Christi Cantuaris et eiusdem ecclesie Capitulum ad quos omnis et omnimodum Jurisdictionem speritualum et Ecclesiaticum que ad Arche primum Cantuaris sede plena pertinuit ipse sede vacanum notorie dignoscit pertinere post ipsius Petri mortem scilicet vicesimo secundo die Novembris anno domini millimo sexcentesimo decimo apud London praedictus videlicet in perochia et Warda praedictis Commissionem fuit seu praefato Rogero et Elizabeth post sponsalis inter eos Celebratos nondum soluit sed illi praefato Petro in vita sua ac praefato Elizabeth post ipsius Petri mortem domina ipsa solamine fuit ac praefato Rogero et Elizabeth post sponsalis inter eos Celebratos soluere omnino contradixit ac illi praefato Rogero et Elizabeth adhuc soluere contradixit ac iniuste detinet ad dampnum ipsorum Rogeri et Elizabeth viginti librarum et inde productus sectam &c et proferunt hic in Curia ijdem Rogerus et Elizabeth litteras administratas praedicti Decani et Capituli que Commissionem administracionis praedicti in form praedicta testantur &c

Et modo ad hunc diem scilicet diem veneris proximum post Octavo sancti Michaelis isto eodem Terminis vsque quem diem praedictus Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum &c Coram domino Rege apud Westmonisterium venit tam praedictus Rogerus et Elizabeth uxor eius per attornatum suum praedictum quam praedictus Willelmus Leighton per Ricum Schard attornatum suum et ijdem Rogerus et Elizabeth petum quod praedictus Willelmus ad narrationem suam praedictam respondendum Super quo praedictum attornatum praedicti Willelmi dicit quod ipse non est informatum per eundem Willelmum magrum suum de aliquo responsum inde eidem Rogero et Elizabeth in praemissionem dandum nec aliquid alius dicit in barram prime praecclusionem accionis ipsorum Rogeri et Elizabeth praedicti per quod ijdem Rogerus et Elizabeth remanet inde versus eundem Willelmum indefensus——Ideo consessus est quod praedicti Rogerus Jones et Elizabeth uxor eius recuperet versus praefatum Willelmum Leighton debitum suum praedictum Necnon viginti solidi pro dampnis suis que sustinuit tam accione (or occasione) detencionis debiti illius quam pro missis et Custagiis suis per ipsum circa sectam suam in hac parte apponit eisdem Rogero et Elizabeth per Curia dicti domini Regis hic ex assensu suo adindicat et praedictus Willelmus Leighton in nuntia &c.

Debitum et dampnum.....CCj<sup>14</sup>

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EDITORIAL COMMENTARY

The following notes explain the procedures that have been adopted in making this edition. The Critical Commentary printed after the text contains the notes of amendments to and observations upon the original copy.

Clefs and transposition

The original part-name, clef, key-signature and mensuration sign are printed at the beginning of each part. Next follow two black notes, which show the range of each part. Where transposition has been made the original first note is then given. Changes of signature are noted in the Critical Commentary. (Only the mensuration sign can be given for the tablatures.)

Note values

These have been halved in accordance with modern editorial practice, since this is the approximate relationship of the units of the early seventeenth century and the present day.

Barring

Regular barring has been adopted, though an obvious exception was made for number 2. Editorial ties, other than those made necessary by barring are crossed. Repeat signs demanding first and second time bars have been laid out in a present-day manner without comment. Final pauses enclosed in brackets are editorial.

Accidentals

These appear in three forms:-

- i) Those printed in the original are reproduced, or noted in the Critical Commentary if made superfluous by barring. All such accidentals are valid throughout the bar, or until contradicted. (In one case, number 35, all the Eb signs have been deleted, not noted in the Critical Commentary, and covered by an amended key-signature.)
- ii) Any editorial suggestion is placed over the note in question, and is valid only for that note.
- iii) A pitch alteration implicit in the original, but not actually printed, is placed in round brackets and is valid for the remainder of that bar, or until contradicted.

Words

The spelling of the underlayed texts has been modernized. Words enclosed in brackets are editorial. Verses additional to those underlayed, which were printed in blocks below one or more parts, have been deleted and noted in the Critical Commentary. Where a word occupies a melisma, it has been placed under the first note, the remaining notes being left blank.

THE TEARES OR  
LAMENTACIONES OF  
A SORROWFULL

SOVLE:

*Composed with Musically Ayres and Songs,  
both for Voyces and divers Instruments.*

*Set foorth by Sir WILLIAM LEIGHTON Knight,  
one of his Maiesties Honorable Band of Gentlemen Pensioners.*

And all Psalmes that consist of so many feete as the fiftieth<sup>1)</sup> Psalme,

will goe to the foure partes for Consort.

VIGNETTE

LONDON

*Printed by William Stansby. 1614.*

VIGNETTE CANON

The musical score for "Vignette Canon" is written for five voices: Cantus, Altus, Quintus, Tenor, and Bassus. The time signature is 4/4. The score is divided into three measures, with first, second, and third endings indicated by the numbers 1), 2), and 3) above the Cantus staff. The Cantus part features a melodic line with various rhythmic values, including eighth and sixteenth notes, and rests. The other parts (Altus, Quintus, Tenor, Bassus) provide harmonic support with simpler rhythmic patterns, primarily using quarter and half notes. The Cantus staff includes a treble clef, a key signature of one flat (B-flat), and a common time signature (C) that changes to 4/4. The other staves use their respective clefs (C-clefs for Altus, Quintus, and Bassus, and an F-clef for Tenor) and the same key signature and time signature.

Seven sets of empty musical staves, each consisting of five lines, are provided below the vocal parts. These staves are intended for accompaniment instruments or additional vocal parts.

L/TFV

IN PRAISE OF THAT NO-/  
BLE SCIENCE OF Musicke.

From glorious Sunne as gleame resplendent Rayes  
So here from high Iehouah shines the arte  
Of men, who best deserues Apollos bayes,  
For Musickes skill, with me they beare a part.  
All th'arts and Ayres from three sweet Notes deriu'd  
From base t'ascent are curiously contriu'd.  
In honour of the blessed Trinity,  
If Note and verse, if blossomes, tree and fruit,  
Do yeeld due prayse vnto the Deitie,  
Both they and I, wee all obtaine our suite.  
What faults you finde in verse, or scapes by pen,  
Will: Leight on me, but prayse these worthy men.

vignette

As from one Minum Musicke takes her name,  
From base t'ascent as all the parts doerise,  
As from three Notes, this skilfull Musicke came,  
And Moode and concorde from these Symphonies,  
So Father, sonne and holy Ghost combine,  
Are persons three, yet but one God diuine,  
To persons three, and that one God diuine,  
That euery where hath his circumference,  
All thanks and prayse let euery man resigne,  
And knowledge all good gifts to come from thence,  
Since Musickes rarest artists cheare my Muse,  
I care not who my want of skill accuse.

Let this graue Musicke giue your eares content  
Sith Musickes Art is drawne from this concert

⊖  
⊖  
⊖

---

TO THE HIGH AND MIGH-/TIE, Charles PRINCE OF GREAT/BRITTAINE, &c.

Most mighty and illustrious Prince, the hopeful expectation of the continuant Britanicke Monarchy, after my long attendance vpon Maiesty in the English Court, where I was authorized to beare an axe in the fellowship of the Honourable band of Gentlemen Pentioners in Ordinary vnder two so great Princes, as was, and is your vnparalleled father, my now annointed Soueraigne, and the late Princesse, my then most gracious Mistresse, hauing for the later dayes of my age, vndergone many extremities and oppressions, of withholding from mee many rights, and iniuriously forcing me to prison by wrong doing, and hard hearted aduersaries; to whom I was not indebted at all, where of patience (as of a gentle Mistresse) I haue learned much, and haue had a perfect suruey of my selfe, and the true experience of those certitudes, that the Court and my former prosperous dayes could not afforde, and to vaine youth seemed incredible, where coldnes of friendes, preuailing malice of enemies, strangenes of acquaintance, the

sting of sinne, the worme of conscience, for by-past vaine spending of time and actions, prospecting to nothing but the horrid gulfe of hell and euerlasting perdition, were presented vnto me, and hauing no other comfort left to preuent desperation, but a hopeful assurance onely in the mercies of a mighty and sauing God, and so carried into a sea of that supreme bounty, and admiring what man should be, that God should so freely powre forth himselfe for his reward without all deseruings; I in token of my particular thankfulness, vnder your gracious protection, composed and set forth some meditations and hymns in meetre, to Psalmize his laudes and prayes that createth and maintaineth Maiesty in euery Monarchy, and by it life and safety, in euery subject: In which worke, as I then promised as second labour: so now I presume to present before your powerfull protection a concordance of harmony of various Ayres, some of them by my selfe, the other by famous Artists of that sublime profession, where warbling forth of differences of affections, may seeme Apollos infinite siluer tuned strings, with the assent of the Muses, all taking from one Origine, and deuided into such subdeuided changes, in full consent to reuert, where hence it first proceeded, and peaceably to end and agree in one and the same.

In which consort, if it shall please your Grace, vnder your warrant to authorize my infirmities, to beare though the meanest part, and to inuite all the faithfull of your Fathers most sacred Maiesties subjects, with like harmonious assent of heart, parted into so many seuerall Tabernacles, and with him, <sup>and</sup> you/all hereby, not only to honour, laud and praise Almighty God for what benefites and happinesse, all doe and shall receiue by the gouernement of the Anointed Dauid of our Israel, but also incessantly to begge at the diuine mercy seat, that for his mansuetude, there want not a wise Salomon to succede, raigne and inherite his throne and seate: I haue then already attained to the height of my ambition, and hearty desire, and to the party thereof: I oblige my selfe to the end of my life, as duty bindeth; Humbly crauing pardon, for what euer herein to your Excellency may seeme displeasing.

Your Highnes  
most humble seruant  
WILLIAM LEIGHTON.

---

TO THE TRVE DEVOTED READER

All curious quaint abiliments exil'd,  
In humblest habite now my verse compil'd,  
Like a poore Pilgrime, all alone I stand,  
Taking my iorney to the Holy-Land,  
And faine would haue since thus transported hither,  
All sorts, all sects, associate me thither:  
But all (alas. woe worth) doe me disdain,  
And on my Palmers weeds with scorne complaine,  
Vpbraiding me, that I in time of yore,  
Triumphant vertues vestures viuely wore.  
What though those lines, a prisoners pace now walk,  
Which whilom did in courtly measure stalke?  
To open view now they expose their faults,  
Though like a weakeling that on crowches haultes,  
The fading flower those youthful times,  
Now rest of power bewailes her ruthfull crimes,  
And ruminating on a sea of sinne,  
Bewraies without, what her betraies within,

Then with my Poems playnesse wract dispence,  
 Deuour'd in zeale, is oft distract in sence.  
 Let not the rashnes of demolisht time  
 Explode my harshnes, and unpolisht rime,  
 Nor shun we now, though I like lowly Iob,  
 This leprous corps of sinne with rags enrobe,  
 But sit by me, read me, and turne me ore,  
 And with thine vngents<sup>gently</sup>/salue my soare.  
 Within this Port, weel'e anchor safe from rockes  
 From swelling billowes, raging gusts and shocks,  
 Till Thetis Halcion, Neptunes force doth hayle,  
 Then shall our gallion spread a loftier saile,  
 And from outragious stormes, and tempests stand,  
 For safe ariually in the holy land.

---

Idillion in eximii Militis LEIGHTONIS laudem

These dulcid layes which here thy Muse doth sing  
 Sound most melodious to the heauenly King:  
 Thy zealous Emulation here aspires,  
 To parallell thy selfe in Angels quires.  
 If such ambition from thy Muse can glide,  
 Be more ambitious, t'is a heauenly pride,  
 Still with this emulation thee inuest  
 For ti's a habit that becomes thee best,  
 And as thy selfe, thy selfe doth most controll,  
 Seeming afflicted with a wounded soule,  
 Know for thy comfort, thus Iehouah cries,  
 Offer to me a liuing sacrifice.  
 Then these Oblations are more pleasing notes,  
 Then flesh of Bulls, and many thousand goates,  
 To him that faith in his diuine behest,  
 Giue me thy heart, then shalt thou please me best.  
 Better then he who all at once exhausts,  
 Chiliads of Hecatombs and Holocausts,  
 Nor weiges he Psalmes composures prickt by art,  
 Till first the Psalmists soule be prickt in heart,  
 Theyeeld thy simphonies, which best accord  
 With Dauids harmonies that pleased the Lord:  
 As when the women sung this sweet Idillion,  
 (Saul slew his thousand, David slew his million)  
 Hold on thy course, and be assurde at last,  
 Heauens will raise thee some Encomiast,  
 That like Apollo's Pean shall disperse  
 The sacred Diapason of thy verse:  
 In spight of Zealless Zeilus all abroad,  
 And make proud Momus chaunt his palinode.

In laudem Authoris, & presentis operis sui, ANTONII DYET Arm.

1) All euill deedes in darkenes doe delight.

The perfect good surmoūts the sunshine bright  
The Cardinall vertues, yeeld to them their right,  
Doe vertues lead that are diuine in sight,  
The former frame to honesty of life,  
The latter are to soules saluation rife.

2) The former hath our Author lately showne,

In golden verse and matter choicely apt:  
The latter leading vnto heauenly throne,  
Will be applauded, as the onely, that  
Doth ioyes Angelicall and eternal blisse,  
By sweet repenting bring from dark abyse.

3) Names doe the nature of the man declare,

Leighton our Authors name from true light floweth,  
To blisse the way to show he doth not spare,  
His name eternal therefore each man knoweth,  
God grant the soile where these good seedes do fall,  
May bring forth fruit to rid the soule from thrall-

---

Vnto the troubles and sorrowes of the worthy Knight, Sir  
WILLIAM LEIGHTON

Christs yoake is sweet, see how it works the heart,  
with steams of sigh's, and throws of supplicatiō,  
Say Well-i-am when griefs Leight on my part.  
Soules are sublim'd, in fire of tribulation.  
No maruell Marble weepes on gloomy day:  
Since grief yeeldes Hunny dewes, grieffe to allay.

IO. LAYFIELD.

---

In laudem Authoris

This is the second time thou hast appear'd  
in publike Print, well willing, worthy knight,  
First thy triumphant vertue, highly rear'd  
thy fame aboue our moderne Poets flight.  
For why? those lines (in serious wise I write)  
do with such generall learning richly shine,  
As if some blessed or celestiall spright,  
possessed had, that heart and soule of thine.  
But in this second worke, much more Diuine,  
thy Lamentations wofully composed,  
Thou dost thy thoughts, in such low verse combine,  
as wondrous skill thou hast in them disclosed.

That men may see, thou canst write high or low,  
 in both so well, as none thy worth can show.

IO. LEPTON.

---

To the right Worshipfull Sir WILLIAM LEIGHTON Knight,  
 his endeared friend and kinsman, concerning his diuine Lamentations.

Euen as some curious Image wrought in gold,  
 Is a rich obiect stately to behold:  
 And wee not onely doe the wealth desire,  
 But doe asmuch the workmanship admire.  
 Yet if it turn'd be, to a vse prophane,  
 What men did loue, as soon they loath the same,  
 For all the cost and curious art bestowde  
 Is counted base, if worship to't be show'd.  
 So stately posey oft is put in vse,  
 To sing lasciuiously her owne abuse:  
 And being rich and curious, often times,  
 Is wrongde with base & foule vnchristian rimes.  
 Then Poets all, this heauenly verse come view,  
 Which brings sweet Art and ripe conceits to you,  
 And doth thereby your Poetrie refine,  
 And teach it how for to become Diuine,  
 A second Dauid here soules health doth sing,  
 And thereby honor doth to Poets bring,  
 Here is no forged tale of loue or lust,  
 To sot the simple, and deceiue the most,  
 No ticing baud, or soule abusing scoule.  
 No art of loue, but physicke for thy soule,  
 He that the Cardnall vertues late did bring,  
 For to vse conference with our mighty King:  
 Now likewise brings a liuely verse to winne,  
 Faith vnto all, that all may hate their sinne.  
 The flinty eye this worthy knight doth moue,  
 To shed salt teares, for wronging him aboue,  
 And as himselfe, so in his verse likewise,  
 Most diuine, noble, ciuill, good and wise,  
 Then let no blasting tong abuse the tree,  
 That beareth fruit to saue thy soule and thee.

AR. HOPTON

---

## In laudem Authoris-

Musicke is then diuine, and not but then,  
 When words & notes in aptnesse do concord,  
 Composed so by zealous cunning men,  
 As words and Notes both praise the heavenly Lord.  
 Such Musicke is diuine, and none but such,  
 4) (Bee) Art, conceit, and cunning ne're so much.  
 And such is worthy Leightons true intention,  
 Whose heauen-bred Muse, & Musicke do conspire,  
 Both to demonstrate his Diuine inuention,  
 And to illustrate his most iust desire.  
 Oh, let not then his patterne be neglected,  
 Who hath Gods prayse, by notes to him directed.

LVKE IONES.

---

Vpon this Excellent and diuine Worke.

If that be true the Poet doth auerre,  
 Who loues not Musicke and the heavenly Muse,  
 That man God hates, why may wee not inferre?  
 Such as that skill vnto his praise doe vse,  
 Are heauealy fauorde, when (as Angels) breath,  
 High Mysteries in lowly tunes beneath.  
 Such was that sweetest Singer Israels King,  
 Whom after his owne heart the Lord did chuse,  
 And many moe that did diuinely sing,  
 To whom be added thy deuotest Muse,  
 Who while she soundes her great Creators prayse,  
 Doth her owne fame next his high glory raise-

I.D.

---

Lectori in Librum egregii Militis GVLIELMI LEIGHTON,  
 THOMAS BVRT, Verbi sacri Concionator

Chiliad's of Bookes, and Iliad's full or paines,  
 In Riming ryot spent in this age quicknesse,  
 Neglecting grace, respecting godlesse gaines,  
 Are Symptoms of this worlds most deadly sicknes.  
 What witty spirits, their spirits haue euen exhausted,  
 In lustful layes, and pretious time haue wasted?  
 But here behold (against the common course)  
 A birde of Paradice heauenly Hymnes doth carpe,  
 By sense of sinne and conscience true remorse.

This Knight in Key of grace tunes Davids harpe:  
 And (though in lowly and submissiue verse)  
 With his laments the highest heauens doth pierce,  
 Teares, prayers, plaints, may draw, moue, mollifie  
 The ruthlesse most relentlesse, hardest heart,  
 Teares, prayers plaints, heart, soule & mind with cries,  
 Here offer, sacrifice, and still impart,  
 Hear's fainting, falling, dying, and reuiuing,  
 Hear's death on death, and yet life euerliuing,  
 Gainst all temptations heart's th'apologie.  
 Here is a stay against all desperation,  
 Gainst all soules sicknes, here giues learn'd Theology,  
 Cure, comfort, cordials, preservation,  
 Yea in this booke (a Paradise diuine)  
 Are all herbes for soules, meate and medicine.  
 The matter, meetre, manner, man and muse,  
 Doe show zeale, loue, faith, hope, and true deuotion:  
 Sad Elegies, and enargies to vse,  
 (Euen as Gods spirit in vs shall make the motion,)  
 To conquere sinne, flesh, world, death, Diuell and hel,  
 Through Christ, And bid this wicked world farewell.

THOMAS BVRT.

---

In laudem Authoris.

One without time began, and so begate  
 A second, and from both a third proceeded,  
 Each one together euer did relate,  
 Harmonious vnity no way diuided,  
 So those that concordes tune, displease no sense.  
 But of the Muses merit recompence.

IO. PARRY, Esquier.

---

In laudem Authoris.

O whether doth thy Muse transported flie,  
 Kind brother Leighton who so sweetly sings,  
 Such sacred Sonets to the King of Kings,  
 Rapt in celestiall contemplation hie,  
 For matter, meetre, notes and all agree,  
 To please our eares with holy heauenly things,  
 Which both to sense and soule contentment brings,  
 Such be thy tunes, and such thy ditties be,  
 But farre be these thy true contrition such,

As my harsh pen can neuer prayse too much.

Thy louing friend IO. MORAY.

---

To my right Worthy, Worshipfull and learned cosen, Sir,  
WILLIAM LEIGHTON Knight.

Thou from affliction hast learned truest ioy,  
And heauenly pleasure stoln from worlds annoy:  
For holy Hymnes first worded with Gods praise,  
Thou sugrest now with most harmonious layes,  
And sweetest sound to sacred sense doest marry,  
So from precedent pennes thou prayse doest carry,  
And by confinement, in a little space,  
Hast brought throughout the world a lasting grace.

CAR. BEST de med. Temp. Arm.

---

Lectori, in Hymnos & Cantiones Sacros viri venerabilis GVLIELMI  
LEIGHTON Simon Sturteuant Diuini verbi Concionator καὶ συνδραμοῦ:

A Dodecaedron of the sixe Musicall Notes, in imitation of DAVIDS Alphabetical Psalmes.

To the glory of  
the Tri-unial, ωα Τη  
αω 4x I AM αs  
Kxi ω, Exod; Apo.

Vt-ter with feare IAHω-αs awful prayses,  
Re-pent, reforme thy former wicked wayes:  
My-Faith apply Christ death gainst al despaire,  
Fauour whats iust, and men that righteous are,  
Soule take no rest till thou depart away:  
La-bour for life that neuer shall decay.  
La-bour for life that neuer shall decay.  
Soule take no rest till thou depart away,  
Fa-uour whats iust, and men that righteous are,  
My-Faith apply Christs death gainst all despaire,  
Re-pent, reforme thy former wicked wayes,  
Vt-ter with feare IAHω-αs awfull prayse.

A Dodecaedron of the three worthy Psalmists.

Was euer LIGHT-ON Table set before,  
Or oile in lamp powrd in such plēteous store  
To light our men with heauenly dulced Layes,  
In English tong, since worthy \*CEDMONS daies,  
Whose singing spirit hath Light-on this good knight  
To shine to vs that loue to walke in night.  
O Gentry vaine that still in darknes lurks,  
Behold now see his grace, his fruit, his works,

Him imitate, imblase your makers prayse.  
 God blesse you euer to such vertuous wayes;  
 Why? doe not shame in Psalmes to shew your art,  
 T'was Dauids fame, a man of Gods owne heart.

\*Cedmon diuina gratis specialiter insignis Carmina Religioni  
 & Pietati apta facere solebat. Caetera pete ex Bedae Historia  
 Anglorum gentis. Lib. 4. Cap. 24.

---

Note that this Musically Booke inserteth onely the first staffe of the Hymne or Psalme:  
 but it is the Authors intention that in the practise of this heauenly exercise, some one  
 in the company should out of his other Printed booke read the other staues to them that  
 play and sing.

A TABLE OF ALL THE  
SONGS CONTAINED  
IN THIS BOOK<sup>5)</sup>

A Table of the Consort Songs

1	O loving God and Father dear	Sir William Leighton	13
2	Come let us sing to God	Sir William Leighton	14
3	My soul doth long, and shall depend	Sir William Leighton	15
4	In Thee O Lord I put my trust	Sir William Leighton	16
5	Thou art my God Thy help's at hand	Sir William Leighton	17
6	Almighty God which hast me brought	Sir William Leighton	18
7	I cannot Lord excuse my sin	Sir William Leighton	20
8	O Lord Thy name's most excellent	Sir William Leighton	21
9	An heart that's broken and contrite	John Dowland B.M.	22
10	Thou God of might	John Milton	23
11	Yield unto God the Lord	Robert Johnson	25
12	Almighty God which hast me brought	Thomas Ford	26
13	Alas that I offended ever	Edmund Hooper	27
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15	Almighty Lord and God of love	Nathaniel Giles	29
16	I'll lie me down to sleep	John Coperario	30
17	Attend unto my tears O Lord	John Bull D.M.	31
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A Table of 4 parts for voices

19	Look down O Lord on me poor man	William Byrd	34
20	Hidden O Lord are my most horrid sins	Francis Pilkington B.M.	35
21	O Lord give ear to my complaint	Thomas Lupo	36
22	Let Thy salvation be my joy	Robert Jones B.M.	37
23	O God that no time dost despise	Martin Peerson B.M.	38
24	O Lord how do my woes increase	Orlando Gibbons	39
25	Most mighty and all knowing Lord	Thomas Weelkes B.M.	40
26	O let me tread in the right path	John Ward	41
27	I am quite tired with my groans	John Wilbye	42
28	What shall I render to the Lord	Robert Jones B.M.	43
29	In Thee O Lord I put my trust	Alfonso Ferrabosco	44
30	Be unto me O Lord a tower of strength	William Byrd	44

A Table of the Songs of 5 parts for voices

31	I laid me down to rest and slept	William Byrd	46
32	O Lord come pity my distress	Alfonso Ferrabosco	48
33	Attend unto my tears O Lord	John Bull	49
34	O Lord behold my miseries	John Milton	50
35	High mighty God of righteousness	Francis Pilkington B.M.	53
36	O Lord I lift my heart to Thee	Orlando Gibbons	55
37	Well-spring of bounty, God of fear	Edmund Hooper	56
38	The cause of death is wicked sin	Thomas Lupo	57
39	O let me at Thy footstool fall	Martin Peerson B.M.	59
40	O Lord how do my woes increase	John Coperario	61
41	O happy he whom Thou protect'st	Thomas Weelkes B.M.	63
42	Out of the deep to Thee I cried	Nathaniel Giles	64
43	Save me O Lord	Robert Johnson	65
44	Not unto us but to Thy name all honour	Thomas Ford	67
45	Lord ever bridle my desires	Martin Peerson B.M.	68
46	O had I wings like to a dove	John Milton	70
47	Lament my soul I cry	Robert Jones B.M.	73
48	O Lord consider my great moans	John Ward	75
49	O God the rock of my whole strength	John Wilbye	76
50	I shame at mine unworthiness	John Dowland B.M.	78
51	If that a sinner's sighs	John Milton	81
52	Judge them O Lord which me pursue	Robert Kindersley	83
53	Come help O God for Christ's sweet bloody sweat	William Byrd	85
54	O Lord come pity my complaint	Timolphus Thopul	88
55	In depth no man remembreth Thee	Alfonso Ferrabosco	90

Cantus  
 0 lo - ving God and Fa - ther dear, I hum - bly Thee be - seach and pray,  
 Altus  
 0 lo - ving God and Fa - ther dear, I hum - bly Thee be - seach and pray,  
 Tenor  
 0 lo - ving God and Fa - ther dear, I hum - bly Thee be - seach and pray,  
 Bassus  
 0 lo - ving God and Fa - ther dear, I hum - bly Thee be - seach and pray,

Lute  
 3

Cittern  
 3

Bandora  
 3

5  
 for Je - sus' sake my prayers hear, and hear - ken what my soul shall say.  
 for Je - sus' sake my prayers hear, and hear - ken what my soul shall say.  
 for Je - sus' sake my prayers hear, and hear - ken what my soul shall say.  
 for Je - sus' sake my prayers hear, and hear - ken what my soul shall say.

3

3

3

No 2 Come let us sing unto God with praise : Sir William Leighton

Cantus  
Come let us sing to God with praise, our pro - phet, prince, and priest, al - ways,

Altus  
Come let us sing to God with praise, our pro - phet, prince, and priest, al - ways,

Tenor  
Come let us sing to God with praise, our pro - phet, prince, and priest, al - ways,

Bassus  
Come let us sing to God with praise, our pro - phet, prince, and priest, al - ways,

Lute

Cittern

Bandora

5  
and to the sa - cred Ho - ly Spirit, and to the sa - cred Ho - ly Spirit.

and to the sa - cred Ho - ly Spirit, and to the sa - cred Ho - ly Spirit.

and to the sa - cred Ho - ly Spirit, and to the sa - cred Ho - ly Spirit.

and to the sa - cred Ho - ly Spirit, and to the sa - cred Ho - ly Spirit.

Cantus  
 Altus  
 Tenor  
 Bassus  
 Lute  
 Cittern  
 Bandora

My soul doth long and shall de - pend, for e - ver on God e - ver li - ving:

God shall be - gin and make an end, that hath giv'n all, yet e - ver gi - ving.

God shall be - gin and make an end, that hath giv'n all, yet e - ver gi - ving.

God shall be - gin and make an end, that hath giv'n all, yet e - ver gi - ving.

God shall be - gin and make an end, that hath giv'n all, yet e - ver gi - ving.

No 4 In Thee O Lord I put my trust : Sir William Leighton

Cantus  
 In Thee O Lord I put my trust, and yet there are which dai - ly

Altus  
 In Thee O Lord I put my trust, and yet there are which dai - ly

Tenor  
 In Thee O Lord I put my trust, and yet there are which dai - ly

Bassus  
 In Thee O Lord I put my trust, and yet there are which dai - ly

Lute

Cittern

Bandora

say: there is no help for me un - just, but Lord Thy word can - not de - cay, cay.

say: there is no help for me un - just, but Lord Thy word can - not de - cay, cay.

say: there is no help for me un - just, but Lord Thy word can - not de - cay, cay.

say: there is no help for me un - just, but Lord Thy word can - not de - cay, cay.

Cantus  
 Thou art my God Thy help's at hand, Thou art a fa - ther, Thou know'st when

Altus  
 Thou art my God Thy help's at hand, Thou art a fa - ther, Thou know'st when

Tenor  
 Thou art my God Thy help's at hand, Thou art a fa - ther, Thou know'st when

Bassus  
 Thou art my God Thy help's at hand, Thou art a fa - ther, Thou know'st when

Lute  
 3

Cittern  
 3

Bandora  
 3

5

to give the state, dost un - der - stand of rich - est kings and poo - rest men.

to give the state, dost un - der - stand of rich - est kings and poo - rest men.

to give the state, dost un - der - stand of rich - est kings and poo - rest men.

to give the state, dost un - der - stand of rich - est kings and poo - rest men.

Praise thou the Lord my soul I say, praise Him, praise Him now and al - way.

Praise thou the Lord my soul I say, praise Him, praise Him now and al - way.

Praise thou the Lord my soul I say, praise Him, praise Him now and al - way.

Praise thou the Lord my soul I say, praise Him, praise Him now and al - way.

No 6 Almighty God which hast me brought : Sir William Leighton

Cantus

Al - migh - ty God which hast me and brought, in safe - ty to this pre - sent  
 Keep me from sin in heart and thought, and teach me what to do or

Al - migh - ty God which hast me and brought, in safe - ty to this pre - sent  
 Keep me from sin in heart and thought, and teach me what to do or

Al - migh - ty God which hast me and brought, in safe - ty to this pre - sent  
 Keep me from sin in heart and thought, and teach me what to do or

Al - migh - ty God which hast me and brought, in safe - ty to this pre - sent  
 Keep me from sin in heart and thought, and teach me what to do or

Al - migh - ty God which hast me and brought, in safe - ty to this pre - sent  
 Keep me from sin in heart and thought, and teach me what to do or

5

1st 2nd

day: say. Pros - per me Lord, in all my works, help me with Thy con - tin - ual grace;

day: say. Pros - per me Lord, in all my works, help me with Thy con - tin - ual grace;

day: say. Pros - per me Lord, in all my works, help me with Thy con - tin - ual grace;

day: say. Pros - per me Lord, in all my works, help me with Thy con - tin - ual grace;

10

keep me from Sa - tan vild that lurks to trap my soul in eve - ry place.

Keep me from Sa - tan vild that lurks to trap ay soul in eve - ry place.

Keep me from Sa - tan vild that lurks to trap my soul in eve - ry place.

Keep me from Sa - tan vild that lurks to trap my soul in eve - ry place.

No 7 | cannot Lord excuse my sin : Sir William Leighton

Cantus  
 Altus  
 Tenor  
 Bassus

I can - not Lord ex - cuse my sin, most in - fin - ite, be -

Lute

Cittern

Bandora

5

fore mine eyes: and ma - ny more are me with - in, I have for - got which se - cret lies.

Cantus

0 Lord Thy name's most ex - cel - lent, in all the world Thy glo - ry's

Altus

0 Lord Thy name's most ex - cel - lent, in all the world Thy glo - ry's

Tenor

0 Lord Thy name's most ex - cel - lent, in all the world Thy glo - ry's

Bassus

0 Lord Thy name's most ex - cel - lent, in all the world Thy glo - ry's

Lute

0 Lord Thy name's most ex - cel - lent, in all the world Thy glo - ry's

Cittern

3

Bandora

3

5

spread: through hea - vens high and fir - ma - ment, and by all crea - tures ut - te - red.

spread: through hea - vens high and fir - ma - ment, and by all crea - tures ut - te - red.

spread: through hea - vens high and fir - ma - ment, and by all crea - tures ut - te - red.

spread: through hea - vens high and fir - ma - ment, and by all crea - tures ut - te - red.

No 9 An heart that's broken and contrite : John Dowland

Cantus  
 Altus  
 Tenor  
 Basses

An heart that's bro - ken and con - trite, to God is a

Lute

An heart that's bro - ken and con - trite, to God is a

Cittern

Bandora

5

sweet, sweet sa - cri - fice: re - pen - tant sin - ners

sweet, a sweet sa - cri - fice: re - pen - tant sin - ners

sweet, a sweet, sweet sa - cri - fice: re - pen - tant sin - ners

sweet,, sweet sa - cri - fice: re - pen - tant sin - ners

Him de - light, far more, far more than just men in their sight.

Him de - light, far more, far more, more than just men in their sight.

Him de - light, far more than just men, more than just men in their sight.

Him de - light, far more, more than just men in their sight.

No 10 Thou God of might hast chastened me : John Milton

**Cantus**  
Thou God of might hast cha - stened me, and me cor - rec - ted with Thy rod:

**Altus**  
Thou God of might hast cha - stened me, and me cor - rec - ted with Thy rod: woun -

**Tenor**  
Thou God of might hast cha - stened me, and me cor - rec - ted with Thy rod, Thy rod:

**Bassus**  
Thou God of might hast cha - stened me, and me cor - rec - ted with Thy rod:

**Lute**

**Clittern**

**Bandora**

10

woun - ded my soul with mi - se - ry, woun - ded my soul with mi - se - ry, woun -  
 ded my soul with mi - se - ry, mi - se - ry, woun - ded my soul with mi - se - ry, woun - ded my soul with  
 woun - ded my soul with mi - se - ry, woun - ded my soul with mi - se - ry, woun - ded my  
 woun - ded my soul with mi - se - ry, woun - ded my soul with mi - se - ry, woun - ded my

15

ded my soul with mi - se - ry, and hum - bled me to know, to know my God, God,  
 mi - se - ry, with mi - se - ry, and hum - bled me to know my God, woun - God,  
 soul with mi - se - ry, with mi - se - ry, and hum - bled me to know my God, God,  
 soul with mi - se - ry, and hum - bled me to know my God, God.

Cantus

Yield un - to God the Lord on high, praise In the clouds and fir - ma - ment

Altus

Tenor

Bassus

Lute

Cittern

Bandora

with heaven's and earth's sweet har - mo - ny, and tunes that are from mo - ti - ons sent,

with heaven's and earth's sweet har - mo - ny, and tunes that are from mo - ti - ons sent.

with heaven's and earth's sweet har - mo - ny, and tunes that are from mo - ti - ons sent,

with heaven's and earth's sweet har - mo - ny, and tunes that are from mo - ti - ons sent.

No 12 Almighty God which hast me brought : Thomas Ford

Cantus  
Al - migh - ty God which hast me brought, in safe - ty to this pre -

Altus  
Al - migh - ty God which hast me brought, in safe - ty to this pre - sent

Tenor  
Al - migh - ty God which hast me brought, in safe - ty to this pre - sent

Bassus  
Al - migh - ty God which hast me brought, in safe - ty to this pre - sent

Lute

Cittern

Bandora

5

sent day: keep me from sin in heart and thought, and teach me what to do and say, say.

1st 2nd

day: keep me from sin in heart and thought, and teach me what to do and say, keep say.

day: keep me from sin in heart and thought, and teach me what to do and say, keep say.

day: keep me from sin in heart and thought, and teach me what to do and say, say.

Cantus  
 Altus  
 Tenor  
 Bassus

A - las that I of - fen - ded e - ver, this God of gods, this Lord of

Lute

Cittern

Pandora

powers: that can in pie - ces all men shi-ver, and o - ver - turn the tal - lest towers.

Cantus  
 Altus  
 Tenor  
 Bassus  
 Lute  
 Clittern  
 Bandora

O God to whom all hearts are seen and hid de-sires are plain-ly known:

5

my life re-form, and mind make clean, my spirit in-spire to be Thine own.

10

Cantus

Altus

Tenor

Bassus

Lute

Cittern

Bandora

No 16 I'll lie me down to sleep in peace : John Coperario

**5**

Cantus  
I'll lie me down to sleep in peace, for Thou Lord on - ly mak'st me dwell

Altus  
I'll lie me down to sleep in peace, for Thou Lord on - ly mak'st - me

Tenor  
I'll lie me down to sleep in peace, for Thou Lord on - ly mak'st me, mak'st me dwell

Bassus  
I'll lie me down to sleep in peace, for Thou Lord on - ly mak'st me dwell

Lute  
I'll lie me down to sleep in peace, for Thou Lord on - ly mak'st me dwell

Cittern

Bandora

**10**

In safe-ty with great qui - et - ness, and dost I'll dreams from me ex - pel.

dwell in safe - ty with great qui - et - ness, and dost I'll dreams from me ex - pel.

In safe-ty with great qui - et - ness, and dost I'll dreams from me ex - pel.

In safe - ty with great qui - et - ness, and dost I'll dreams from me ex - pel.





5

there lies a my - ste - ry worth re - cord, which He did show us here on earth, Who doth pre - pare to die each hour, each hour,

there lies a my - ste - ry worth re - cord, which He did show us here on earth, Who doth pre - pare to die each hour, to die each

there lies a my - ste - ry worth re - cord, which He did show us here on earth. Who doth pre - pare to die each

there lies a my - ste - ry worth re - cord, which He did show us here on earth, on earth. Who doth pre - pare to die each

10

must fol - low Christ our Sa - vi - our, must fol - low Christ our Sa - vi - our.

hour, must fol - low Christ our Sa - vi - our, must fol - low Christ our Sa - vi - our.

hour, must fol - low Christ our Sa - vi - our, must fol - low Christ our Sa - vi - our.

hour, must fol - low Christ our Sa - vi - our, must fol - low Christ our Sa - vi - our.

No 19 Look down, O Lord, on me poor man : William Byrd

Cantus primus  
Cantus secundus  
Tenor  
Bassus

Look down, O Lord, on me poor man, in Thee I

on me poor man, in Thee

Look down, O Lord, on me poor man, on me poor man, in Thee I

on me poor man, in

live, I live, I move, and am, O clear my soul and con - sci - ence, and con -

I live, I move, and am, O clear my soul and con - sci - ence, that

live, I move, and am, O clear my soul and con - sci - ence, that I in

Thee I live, I move, and am, O clear my soul and con - sci - ence,

sci - ence, that I in Thee my peace may find, rest to my

I in Thee my peace may find, my peace may find, rest to my heart, joy

Thee my peace may find, my peace may find, rest to my heart,

that I in Thee my peace may find, may find, rest to my

heart, joy to my mind, my mind, freed from my sin, and

to my mind, to my mind, freed from my sin

joy to my mind, joy to my mind, freed, from my sin

heart, joy to my mind, joy to my mind, freed from my sin

mine of - fence, from my sin and mine of - fence.

and mine of - fence, and mine of - fence.

and mine of - fence, from my sin and mine of - fence.

and mine of - fence, from my sin and mine of - fence.

Altus  
 Contratenor  
 Tenor  
 Bassus

5

10

15

recommended

Cantus  
 Altus  
 Tenor  
 Basses

Lord,  
 Lord,  
 Lord,  
 Lord,

Lord give ear to my com - plaint, give  
 Lord give ear to my com - plaint, give  
 Lord give ear to my com - plaint, give  
 Lord give ear to my com - plaint, give

5  
 Lord give ear to my com - plaint, at - tend my tears and hear my  
 ear to my com - plaint, at - tend my tears and  
 plaint, give ear to my com - plaint, at - tend my tears and hear  
 give ear to my com - plaint, at - tend my tears and hear

10  
 cry, my cry: my sin - ews shrink, my limbs do faint, my  
 hear my cry: my sin - ews shrink, my limbs do faint, my sin - ews shrink, my limbs  
 my cry: my sin - ews shrink, my limbs do faint, my sin - ews shrink,  
 my limbs cry: my sin - ews shrink, my limbs do faint, my limbs

limbs do faint, I lan - guish in my ma - la - dy,  
 do faint, I lan - guish in my ma - la - dy,  
 my limbs do faint, I lan - guish in my ma - la - dy,  
 do faint, I lan - guish in my ma - la - dy, in my ma - la -

I lan - guish in my ma - la - dy.  
 my ma - la - dy.  
 dy, in my ma - la - dy.  
 dy, in my ma - la - dy.

Cantus  
 Altus  
 Tenor  
 Bassus

Let Thy sal-va-tion be my joy, let Thy sal-va-tion be my joy, con-firm me  
 Let Thy sal-va-tion be my joy, let Thy sal-va-tion be my joy,  
 Let Thy sal-va-tion be my joy, let Thy sal-va-tion be my joy, my joy, con-firm me with the spirit of  
 Let Thy sal-va-tion be my joy, be my joy, con - firm me

5

with the spirit of grace, con-firm me with the spi-rit of grace: let sad-ness not my soul an-  
 con-firm me with the spi-rit, the spi-rit of grace: let sad-ness not my soul an-  
 grace, con-firm me with the spirit of grace: let sad-ness not my soul an  
 with the spirit of grace,con-firm me with the spi-rit of grace, of grace: let sad-ness not my soul an-

10

noy, for pen-sive thoughts too much take place: O let my com-fort still  
 noy, for pen-sive thoughts too much take place: O let my com-fort still  
 noy, for pen-sive thoughts too, too much take place:  
 noy, for pen-sive thoughts too much take place: too much 2nd time sin hath died), O let my

15

re-side, still re-side in Christ, who for my sin hath died,  
 re-side in Christ, who for my sin hath died, hath died,  
 O let my com-fort still re-side, O let my com-fort  
 com-fort still re-side, re-sid-side, my com-fort still re-side

1st 2nd

In Christ, who for my sin hath died, O let my died.  
 In Christ, In Christ, who for my sin hath died, O let died.  
 still re-side in Christ, in Christ, who for my sin hath died, (hath died), died  
 in Christ, in Christ, who for my sin hath died, (who for my died.



Cantus  
 Altus  
 Tenor  
 Bassus

O Lord how do my woes increase, how many

5

how many are my miseries, my miseries: my troubles rise

10

and never cease, men judge Thou wilt not hear my

15

cries, men judge Thou wilt not hear my cries.

No 25 Most mighty and all knowing Lord : Thomas Weelkes 6)

Cantus  
 Altus  
 Tenor  
 Bassus

Most mighty and all know - ing Lord, most wigh - ty and all know - ing

Most mighty and all know - ing Lord, all know - ing

Lord, true spring of con - sol - la - tion, true spring of con - so - la -

Lord, true spring of con - so - la - tion:

Lord, true spring of con - so - la - tion: I do con -

tion: I do con - fess with heart and word, Thou art my

I do con - fess with heart and word, Thou

do con - fess with heart and word, Thou art my pre - ser - va -

fess with heart and word, I do con - fess with heart and

pre - ser - va - tion, my pre - ser - va - tion,

art my pre - ser - va - ti - on,

tion, Thou art my pre - ser - va - tion,

word, Thou art my pre - ser - va - tion,

Cantus  
 Altus  
 Tenor  
 Bassus

O let me tread in the right path, in the

right path, and walk from faith to  
 right path, and walk from faith to faith in love, and walk  
 right path, and walk from faith to faith in love, and walk from faith  
 right path, and walk from faith to faith in love, and walk from faith to

faith in love: ob - serve Thy laws and shun  
 from faith to faith in love: ob - serve Thy laws, ob - serve Thy laws and shun Thy  
 to faith in love: ob - serve Thy laws, ob - serve Thy laws and shun Thy  
 faith in love: ob - serve Thy laws, ob - serve Thy laws and shun Thy

Thy wrath, and for - ward to all vir - tue move, all vir - tue move.  
 wrath, Thy wrath, and for - ward to all vir - tue move, all vir - tue move.  
 wrath, and for - ward to all vir - tue move, all vir - tue move.  
 wrath, and for - ward to all vir - tue move, all vir - tue move.

Cantus  
 Altus  
 Tenor  
 Bassus

I am quite ti - red, quite ti - red with my groans,  
 quite ti - red with my groans,  
 quite ti - red with my groans,  
 o'er-charg-ed

5

o'er-charg-ed with a hea - vy load,  
 o'er-charg-ed with a hea - vy load,  
 with a hea - vy load,  
 o'er-charg-ed with a hea - vy load:  
 o'er-charg-ed with a hea - vy load,  
 a hea - vy load,

10

load: of mi - se - ries brea - king all my bones,  
 of mi - se - ries brea - king all my bones,  
 of mi - se - ries brea - king all my bones,  
 of mi - se - ries brea - king all my bones,

15

my bones, laid on me just - ly by my God,  
 laid on me just - ly by my God,  
 laid on me just - ly by my God,  
 laid on me just - ly by my God,

1st 2nd

just - ly by my God,  
 laid on me just - ly by my God,  
 laid on me just - ly by my God,  
 laid on me just - ly by my God,

Cantus  
 Altus  
 Tenor  
 Bassus

What shall I ren - der to the Lord, what shall I ren - der to

5

the Lord, the Lord, for all His bless - ings pour'd on me, on  
 ren - der to the Lord, the Lord, for all His bless - ings pour'd on me: my  
 what shall I ren - der to the Lord, for all His bless - ings pour'd on me: my heart

10

me: my heart and soul with one ac - cord, shall laud and praise Thy ma - jes - ty: all  
 heart and soul with one ac - cord, shall laud and praise Thy ma - jes - ty: all bless -  
 and soul with one ac - cord, shall laud and praise Thy ma - jes - ty: all bless - ings  
 heart and soul with one ac - cord, shall laud and praise Thy ma - jes - ty: Thy ma - jes - ty: all bless - ings

15

bless - ings do from Thee des - cend, blest be Thy  
 ings do from Thee des - cend, blest be Thy  
 do from Thee des - cend, blest be Thy name world with - out  
 do from Thee des - cend, blest be Thy name, Thy

1st 2nd

name, Thy name world with - out end, all end,  
 name world with - out end, world with - out end, all bless - end,  
 end, world with - out end, all bless - ings end,  
 name world with - out end, all bless - ings end

No 29 In Thee O Lord I put my trust : Alfonso Ferrabosco

Cantus primus  
Cantus secundus  
Cantus tertius  
Cantus quartus

In Thee O Lord I put my trust, and yet there are which  
 In Thee O Lord I put my trust, and yet there  
 In Thee O Lord I put my trust, and yet there are  
 In Thee O Lord I put my trust, and yet there are  
 dai - ly say: there is no help for me, there is no help for me un-  
 are which dai - ly say: there is no help for me un-just,  
 are which dai - ly say: there is no help for me un - just, there is  
 which dai - ly say: there is, there is no help, no help for me un - just, there is  
 just, but Lord Thy word, but Lord Thy word, Thy word can - not de - cay,  
 for me un - just, but Lord Thy word, but Lord Thy word can - not de - cay.  
 no help for me un - just, but Lord Thy word, but Lord Thy word can - not de - cay.  
 no help for me un - just, but Lord Thy word, but Lord Thy word can - not de - cay.

No. 30 Be unto me O Lord a tower of strength : William Byrd

Cantus primus  
Altus  
Tenor  
Bassus

Be un - to me O Lord a tower of strength a - gainst  
 Be un - to me O Lord a tower of strength a - gainst  
 Be un - to me O Lord a tower, a tower of strength a - gainst  
 Be un - to me O Lord a tower of strength, a -

10

my mor - tal foe: O guard and ward me with Thy power, with Thy power, Thy

15

power, which way so - e - ver I shall go, which way so - e - ver I shall go: then shall my

20

heart and soul, then shall my heart and soul, my heart and soul re - joice, re - joice, then shall my heart and soul re - joice, re - joice, then shall my heart, my heart and soul re - joice, in

25

re - joice, In God my Lord with cheer - ful voice, In God my Lord with God my Lord with cheer - ful voice, In God my Lord, my Lord, In God my

30

God my Lord with cheer - ful voice, In God my Lord with cheer - ful voice, with cheer - ful voice, then shall my voice, in God my Lord with cheer - ful voice In God my Lord with cheer - ful voice, with cheer - ful voice, voice, Lord with cheer-ful voice, with cheer - ful voice, with cheer - ful voice, with cheer - ful voice, voice, voice, voice, voice.





Cantus primus

0 Lord come pi - ty my dis -

Cantus secundus

0 Lord come pi - ty my dis - tress,

Cantus tertius

0 Lord come pi - ty my dis -

Cantus quartus

0

Cantus quintus

0

**5**

tress, see how I sigh and groan: with tears and  
 see how I sigh and groan: with tears and  
 tress, see how I sigh and  
 Lord come pi - ty my dis - tress, see how I sigh and  
 Lord come pi - ty my dis - tress, see how I sigh and

**10**

floods of hea - vi - ness, my heart is o - ver - thrown.  
 floods of hea - vi - ness, my heart is o - ver - thrown.  
 groan: with tears and floods of hea - vi - ness, my heart is o - ver - thrown.  
 groan: with tears and floods of hea - vi - ness, my heart is o - ver - thrown.  
 groan: with tears and floods of hea - vi - ness, my heart is o - ver - thrown.

Cantus  
 Altus  
 Quintus  
 Tenor  
 Bassus

At - tend un - to my tears O Lord, re - gard my woe - ful

5

moan: and seek to save me by Thy word, or I am o - ver - thrown.







Cantus  
 Altus  
 Contratenor  
 Tenor  
 Bassus

High mighty God of righteousness, high

5

High mighty God of righteousness, in wrath a dread consuming fire, a dread consuming fire, in wrath a dread consuming fire, in wrath a

10

dread consuming fire: Thou didst in perfect happiness, perfect happiness, Thou didst in perfect happiness, Thou didst in perfect happiness, Thou didst in perfect happiness

15

happiness, make man, that dar'd gainst Thee conspire, gainst Thee conspire. And happiness, make man, that dar'd gainst Thee, that dar'd gainst Thee conspire. And perfect happiness, make man, that dar'd gainst Thee, that dar'd gainst Thee conspire. And happiness, make man, that dar'd gainst Thee conspire, gainst Thee conspire, gainst Thee conspire. happiness, make man, that dar'd gainst Thee, gainst Thee conspire.

brake Thy laws, and brake Thy laws with all des-pite, and brake Thy laws with all des - pite, when

brake Thy laws, and brake Thy laws with all des-pite, and brake Thy laws with all des - pite,

brake Thy laws, and brake Thy laws with all des - pite, with all des - pite, when

And brake Thy laws with all des - pite,

20  
Thou hadst made him pure and ho - ly: plac'd him in gar - den of de - light, in gar - den

when Thou hadst made him pure and ho - ly: plac'd him, plac'd him in gar - den

Thou hadst made him pure and ho - ly: plac'd him in gar - den, in gar - den

when Thou hadst made him pure and ho - ly: plac'd him in gar - den of de - light, in gar - den -

Thou hadst made him pure and ho - ly: plac'd him in gar - den of de-light, in gar - den

25  
of de-light, so great and wi - cked was his fol - ly, when fol - ly.

of de - light, so great and wi - cked was his fol - ly, fol - ly.

of de-light, so great and wi - cked was his fol - ly, when fol - ly.

of de-light, so great and wi - cked was his fol - ly, fol - ly.

of de-light, so great and wi - cked was his fol - ly, fol - ly.

Cantus

Quintus

Altus

Tenor

Bassus

5

Lord, O Lord I lift my heart to

10

Thee, my soul in Thee doth e - ver trust;

Thee, my soul in Thee doth e - ver trust: O

in Thee doth e - ver trust, my soul in Thee doth e - ver trust:

soul in Thee doth e - ver trust, in Thee doth e - ver trust:

Thee, my soul in Thee doth e - ver trust, in Thee doth e - ver trust: O

15

O let me not con - foun - ded be, O let me not con - foun - ded

let me not con - foun - ded be, O let me not con - foun - ded be,

O let me not con - foun - ded be, con - foun - ded be, but

let me not con - foun - ded be, but make me

let me not con - foun - ded be, O let me not con - foun - ded be,

20

1st

2nd

be, but make me righ - teous with the just, just.

but make me righ - teous with the just, with the just, O just.

make me righ - teous with the just, me righ - teous with the just, just.

righ - teous with the just, but make me righ - teous with the just, O just.

but make me righ - teous with the just, O just.

Cantus  
Well - spring of boun - ty, well - spring of boun - ty, God of fear, God of

Altus  
Well - spring of boun - ty, of boun - ty, God of

Quintus  
Well - spring of boun - ty, of boun - ty, God of

Tenor  
Well - spring of boun - ty, of boun - ty, God of

Bassus  
Well - spring of boun - ty, God of

5  
fear, be - gin - ning that makes all be - gin: with what o - bla - ti - on to ap -

fear, be - gin - ning that makes, that makes, that makes, that makes, with what o - bla - ti - on to ap -

fear, be - gin - ning that makes, that makes all be - gin: with what o - bla - ti - on to ap -

fear, be - gin - ning that makes, that makes all be - gin: for to ap -

fear, be - gin - ning that makes all be - gin:

10  
pear, t'ap - pease Thy wrath that's due for sin.

pear, t'ap - pease Thy wrath that's due for sin.

pear, t'ap - pease Thy wrath that's due for sin.

pear, t'ap - pease Thy wrath that's due for sin.

t'ap - pease Thy wrath that's due for sin.









Capitulum

Altus

Quintus

Tenor

Bassus

O Lord how do my woes, O Lord, O Lord

O Lord how do my woes in - crease, O Lord,

O Lord how do my woes

O Lord

5

how do my woes in - crease, O Lord

Lord how do my woes in - crease, how do my woes

do, how do my woes in - crease, O Lord how do

in - crease, O Lord how do my woes in - crease,

how do my woes in - crease, O Lord how do my woes

10

how do my woes in - crease, how ma - ny are my al - se - ries, my al - se - ries,

in - crease, how ma - ny are my al - se - ries, my al - se - ries,

my woes in - crease, how ma - ny are my al - se - ries, how

how ma - ny are, how ma - ny, how ma - ny are my al - se - ries, my

in - crease, how ma - ny are my al - se - ries, how ma - ny are, how

15

ries, how ma - ny are my al - se - ries, my al - se - ries:

how ma - ny are, how ma - ny are my al - se - ries, my al - se - ries: my trou - bles rise and ne - ver

ma - ny are my al - se - ries, how ma - ny are my al - se - ries: my trou - bles rise

al - se - ries, how ma - ny are my al - se - ries: my trou - bles

ma - ny are my al - se - ries, my al - se - ries:

20

my trou-bles rise, my trou-bles rise and ne-ver cease, my trou-bles rise and ne-ver

cease, my trou-bles rise and ne-ver cease, and ne-ver cease,

and ne-ver cease, my trou-bles rise my trou-bles rise and ne-

rise and ne-ver cease, my trou-bles rise, my trou-bles rise and ne-ver, and ne-ver

my trou-bles rise and ne-ver cease, my trou-bles rise and ne-ver

cease, men judge Thou wilt not hear, Thou wilt not hear my cries,

men judge Thou wilt not hear my cries, Thou wilt not hear my cries, men judge Thou

ver cease, men judge Thou wilt not hear my cries, Thou

cease, men judge Thou wilt not hear my cries, Thou wilt not hear my cries, my

cease, men judge Thou wilt not hear my cries, Thou wilt not hear my cries,

25

men judge Thou wilt not hear my cries, Thou wilt not hear my cries, Thou

wilt not hear my cries, Thou wilt not hear my cries, men judge Thou wilt not

wilt not hear my cries, my cries, men judge Thou wilt not hear my cries, Thou wilt not

cries, Thou wilt not hear my cries, men judge Thou wilt not hear my

men judge Thou wilt not hear my cries, Thou wilt not

wilt, Thou wilt not hear my cries.

hear my cries, Thou wilt not hear my cries.

hear my cries, Thou wilt not hear my cries.

cries, Thou wilt not hear my cries.

hear my cries.

Cantus

0 hap - py he whom Thou pro - tect'st, most

Quintus

0 hap - py he whom Thou pro - tect'st, most hap - py

Altus

0 hap - py he whom Thou pro - tect'st, most hap - py he whom

Tenor

0 hap - py he whom Thou pro - tect'st, most hap - py he whom

Bassus

0 hap - py he whom Thou pro - tect'st, most hap - py he whom Thou dost

5

hap - py he whom Thou dost love, whom Thou dost love, most hap - py he whom

he whom Thou dost love, whom Thou dost love, dost love, most hap - py he whom Thou

Thou dost love, whom Thou dost love, most hap - py he, most hap - py he whom

most hap - py he, most hap - py he, most hap - py he whom

love, dost love, most hap - py he whom Thou dost love, most hap - py he whom

10

Thou dost love: he's strong and wise in all res - pects, in all res -

dost love: he's strong and wise in all res - pects

Thou dost love: he's strong and wise in all res - pects, in all res - pects

Thou dost love, dost love: he's strong and wise in all res - pects, in all res - pects

15

pects he's fed and clad,

he's fed and clad from Thee a - bove, he's fed

he's fed and clad from Thee a - bove, he's fed and clad, he's fed

he's fed and clad from Thee a - bove, he's fed and clad from Thee a -

he's fed and clad from Thee a - bove, he's fed and



O let Thine ears to me be tied, that I in Thee may still re-joice.

O let Thine ears to me be tied, that I in Thee may still re-joice.

O let Thine ears to me be tied, that I in Thee may still re-joice.

O let Thine ears to me be tied, that I in Thee may still re-joice.

O let Thine ears to me be tied, that I in Thee may still re-joice.

No 43 Save me, O Lord : Robert Johnson

Cantus: Save me, O Lord for right-teous men, in

Altus: Save me, O Lord, O Lord, save me O Lord, O Lord for right-teous

Contratenor: Save me, O Lord, save me, O Lord for right-teous

Tenor: Save me, O Lord for

Bassus: Save

faith and truth be-gin to fall: there is no truth in tongue nor

men, in faith and truth be-gin to fall: there is no truth in tongue nor pen, there is no

men, in faith and truth be-gin to fall: there is no truth in tongue, in tongue nor pen,

right-teous men, in faith be-gin to fall: there is no truth in tongue, in tongue nor pen,

me, O Lord for right-teous men, in faith and truth be-gin to fall: there is no



Cantus  
 Altus  
 Contratenor  
 Tenor  
 Bassus

Not un-to us, but to Thy name all ho-nour, Lord, we at-tribute: for Thou a-lone de-serv'st the same, what can we to our-selves im-pute? O Lord, Thou know'st we are but dust, yet we pre-sume

5

ho-nour, Lord, we at-tribute: for Thou a-lone de-serv'st the same, what can we to our-selves im-pute? O Lord, Thou know'st we are but dust, yet we pre-sume

10

what can we to our-selves im-pute? O Lord, Thou know'st we are but dust, yet we pre-sume

15

Lord, Thou know'st we are but dust, yet we pre-sume





ho - ly fire, in nought but Thee, In nought but Thee, but Thee, but Thee, but Thee, but Thee,

ho - ly fire, in nought but Thee, In nought but Thee, but Thee, but Thee, but Thee, but Thee, but

ly, ho - ly fire, in nought but Thee, In nought but Thee, but Thee, but Thee, but Thee, but Thee, but

ly, ho - ly fire, in nought but Thee, in nought but Thee, but Thee, but Thee, but Thee, but Thee, but

ly fire, in nought but Thee, In nought but Thee, but Thee, but Thee, but Thee, but Thee, but

25 but Thee let me de - light, in nought but Thee let me de - light.

Thee, but Thee let me de - light, in nought but Thee let me de - light.

Thee, but Thee let me de - light, in nought but Thee let me de - light.

Thee, but Thee let me de - light, in nought but Thee let me de - light.

Thee, but Thee let me de - light, in nought but Thee let me de - light.

No 46 O had I wings like to a dove : John Milton

Cantus

Altus

Contratenor

Tenor

Bassus

O had I wings like to a dove, O had I

O had I wings like to a dove, a dove, a dove,

O







help, for sin I die, I die, sweet Christ come ease my ai - se - ry,  
 sin I die, I die, sweet Christ come ease my ai - se - ry, sweet  
 help, for sin I die, sweet Christ come ease my ai - se -  
 sin I die, I die, die, sweet Christ come ease my ai - se - ry, ai - se - ry.  
 die, help, for sin I die, sweet Christ come

30  
 sweet Christ come ease my ai - se - ry, sweet Christ come ease my ai - se - ry,  
 Christ come ease my ai - se - ry, Sweet Christ come ease my ai - se - ry,  
 ry, my ai - se - ry, my ai - se - ry, sweet Christ come ease my ai - se -  
 ai - se - ry, ai - se - ry, sweet Christ come ease my ai - se - ry, ai -  
 ease my ai - se - ry, come ease my ai -

35  
 sweet Christ come ease my ai - se - ry, come ease my ai - se - ry,  
 sweet Christ come ease my ai - se - ry, come ease my ai - se - ry,  
 ry, sweet Christ come ease my ai - se - ry, my ai - se - ry,  
 se - ry, sweet Christ come ease my ai - se - ry, ease my ai - se - ry,  
 se - ry, sweet Christ come ease my ai - se - ry.

Empty musical staves for accompaniment.



fly to Thee O Lord, O Lord, O Lord, O Lord stand by me.

Lord, O Lord, O Lord, O Lord stand by me.

Thee O Lord, O Lord, O Lord, O Lord stand by me, stand by me.

Thee O Lord, O Lord, O Lord, O Lord stand by me, stand by me.

Lord, O Lord, O Lord, O Lord stand by me.

20

No 49 O God the rock of my whole strength : John Willbye

Cantus

Quintus

Altus

Tenor

Bassus

O God the rock of my whole strength, let Thy sweet mer - cy salve mine

O God the rock of my whole strength, of my

O God the rock of my whole strength,

let Thy sweet mer - cy salve mine an - guish, let

whole strength, let Thy sweet mer - cy salve mine an - guish, mine

God the rock of my whole strength, let Thy sweet mer -

an - guish, let Thy sweet mer - cy salve mine an - guish,

O God the rock of my whole strength, let

5





10

yet fain, fain would be at one, at one with Thee,  
 shame, I shame at mine, at mine un-wor-thi-ness, yet fain would be  
 wor - thi - ness, un - wor - thi - ness, yet fain would be at one, at one with  
 ness, at mine, mine un - wor - thi - ness, yet

15

yet fain, fain would be at one, at one with Thee,  
 would be at one with Thee, yet fain would be at one  
 Thee, yet fain would be at one with Thee, with Thee, yet fain would  
 fain would be at one with Thee, yet fain would be at one, would  
 Thee, yet fain, fain would be at one with Thee,

yet fain would be at one with Thee: Thou art a joy, a joy, Thou  
 with Thee, yet fain would be at one with Thee: Thou art a joy, a joy, Thou  
 be at one with Thee, with Thee: Thou art, Thou art a joy, a joy, a  
 be at one with Thee, yet fain would be at one with Thee: Thou art a  
 would be at one with Thee: Thou art a joy,

20

art a joy in hea - vi - ness, in hea - vi - ness,  
 art a joy, a joy in hea - vi - ness, Thou  
 joy, a joy in hea - vi - ness, in hea - vi - ness, hea - vi - ness,  
 joy in hea - vi - ness, in hea - vi - ness, hea - vi -  
 Thou art a joy in hea - vi - ness, in hea - vi - ness,



Cantus  
 Altus  
 Quintus  
 Tenor  
 Bassus

If that a sin - ner's sighs, if that a sin - ner's sighs

5

sent from a soul with grief op - pressed, with grief op - pressed, sent from a soul with grief, with grief op - pressed, op - pressed, that a sin - ner's sighs, sent from a soul with grief op - pressed, sent from a soul with grief op - pressed, sent from a soul with grief op - pressed, sent from a soul with grief op - pressed

10

grief op - pressed, sent from a soul with grief op - pressed, sent from a soul with grief op - pressed, with grief, with grief, with grief op - pressed, pressed, with grief, with grief op - pressed, op - pressed, sent from a soul with grief op - pressed, with grief op - pressed, with grief op - pressed, pressed, with grief op - pressed, with grief, with grief op - pressed, with grief op - pressed

15

with grief, with grief op - pressed, sent from a soul with grief op - pressed, grief op - pressed, sent from a soul with grief op - pressed, with grief op - pressed, with grief op - pressed, soul with grief op - pressed, with grief op - pressed, pressed, with grief op - pressed, sent from a soul with grief op - pressed, with grief, with grief op - pressed, sent from a soul with grief op - pressed, sent from a



35

and ease my mi - se - ry, then pi - ty me, pi - ty me and ease my mi - se - ry.  
 me and ease my mi - se - ry, and ease my mi - se - ry, mi - se - ry.  
 mi - se - ry, then pi - ty me and ease my mi - se - ry.  
 ease my mi - se - ry, pi - ty me and ease my mi - se - ry, my mi - se - ry.  
 and ease my mi - se - ry, then pi - ty me pi - ty me and ease my mi - se - ry.

No 52 Judge them O Lord which we pursue : Robert Kindersley

Cantus

Quintus

Contrateno

Tenor

Bassus

Judge them O Lord, judge them O Lord which we pursue,  
 Judge them O Lord which we pursue, Judge them O Lord which we pursue,  
 Judge them O Lord which we pursue, judge them O Lord which we pursue,  
 Judge them O Lord which we pursue, judge them O Lord which we pursue.

5

Judge them O Lord, O Lord, judge them O Lord which we pursue, and  
 Lord which we pursue, and  
 Lord which we pursue, judge them O Lord which we pursue, and o - ver - throw,  
 Judge them O Lord, O Lord, judge them O Lord which we pursue, and  
 me pur - sue, judge them O Lord which we pursue, which we pursue.

o - ver - throw my foes in sight: and with Thy sword, and

o - ver - throw my foes in sight: and with Thy sword, and

and o - ver - throw my foes in sight: and with Thy sword, and

ver-throw my foes, my foes in sight: and with Thy sword, and

sue, and o - ver-throw my foes in sight: and with Thy sword, and

with Thy sword con - found that crew, con - found that crew, and with Thy

and with Thy sword con - found that crew, con - found that crew, and

with Thy sword con - found, and with Thy sword con - found, and with

with Thy sword con - found, and with Thy sword con - found, and with Thy

with Thy sword, con - found that crew, and with Thy sword

sword con-found that crew, which per - se - cute me with des - pite, which per - se - cute

with Thy sword con - found that crew, which per - se -

Thy sword con - found that crew, which per - se - cute me with des - pite, which per - se - cute

sword con - found that crew, which per - se - cute me with des - pite, which per - se - cute me

con - found that crew, which per - se - cute me with des - pite, which per - se - cute, which per - se -

me per - se - cute me with des - pite, which per - se - cute me with des - pite, which per - se - cute me

cute me with des - pite, which per - se - cute me with des - pite, which per - se -

me with des - pite, which per - se - cute me with des - pite, which per - se - cute me with des - pite, per - se - cute

with des - pite, which per - se - cute me, which per - se - cute me with des - pite, which per - se -

cute me with des - pite, which per - se - cute me with des - pite, which per - se -

25

with des-pite, with des-pite: O be Thou still, O be Thou still my

me with des-pite: Thou still my guard and guide,

8 cute me with des - pite: be Thou still my guard

cute me with des - pite: O be Thou still my guard and

guard and guide, de - fen - ding me on e - very side;

de - fen - ding me on e - very side.

still my guard and guide, de - fen - ding me on e - very side.

and guide, de - fen - ding me on e - very side.

guide, de - fen - ding me on e - very side.

30

No 53 Come help O God, for Christ's sweet bloody sweat : William Byrd

Cantus primus

Cantus secundus

Contratenor

Tenor

Bassus

Come, come help, help O God, O





Cantus

Altus

Quintus

Tenor

Bassus

5

0 Lord come pi - ty my com -

0 Lord come pi - ty

0 Lord come pi - ty my com -

0 Lord come pi - ty my com - plaint,

0 Lord come pi - ty

10

plaint, 0 Lord come pi - ty my com - plaint,

my com - plaint, come pi - ty my com - plaint, see

plaint, see how weep and mourn,

Lord come pi - ty my com - plaint, come pi - ty my com - plaint,

my com - plaint, see how I weep and mourn, with

15

see how I weep and mourn, with sighs and groans and

how I weep and mourn, with sighs and groans and sick -

with sighs and groans and sick - ness faint, and sick - ness faint.

see how I weep and mourn, with sighs and groans and sick - ness faint, with sighs and groans and sick -

sighs and groans and sick - ness faint, and sick -

sick - ness faint.

My hope, my hope is quite for - lorn, my hope is

ness faint. My hope, my hope is quite for - lorn, my hope is quite for - lorn,

My hope is quite for - lorn, my hope is quite for - lorn,

ness faint, My hope is quite for - lorn, my hope, my hope is quite

ness faint. My hope, my hope is quite

**20**

quite for-lorn, no health I have no help I find, no  
 no health I have, no help I find, find, no health I have, no help  
 no health I have, no help I find, no health I have, no help I find,  
 quite for-lorn, no health I have, no help I find, no health I have, no help I find,  
 for - lorn no health I have, I have, no help I find, no

**25**

health I have, no help I find, no help I find: no care of kin I see, no ease to bo -  
 I find, no help I find, no care of kin I see, no ease to bo - dy  
 no health I have, no help I find, no help I find: no care of kin I see, no ease to bo - dy  
 no health I have, no help I find:  
 help I find, (I find):

**30**

dy, bo - dy, soul or mind, sweet Je - sus pi - ty  
 bo - dy, soul or mind, sweet Je - sus pi - ty me,  
 no ease to bo-dy, soul or mind, sweet Je - sus pi - ty me, sweet Je - sus  
 sweet Je - sus pi - ty me, sweet  
 sweet Je - sus pi - ty me, sweet Je - sus

**35**

me sweet Je - sus pi - ty me.  
 sweet Je - sus pi - ty me, sweet Je - sus pi - ty me.  
 pi - ty me. sweet Je - sus pi - ty me.  
 Je - sus pi - ty me, sweet Je - sus pi - ty me.  
 pi - ty me, sweet Je - sus pi - ty me.

Cantus

Alto

Quintus

Tenor

Bassus

In depth no man re-sembreth Thee, in depth no man re-

sem-breth Thee, nor of - fereth thanks un - to Thy name: In dark - some grave

breth Thee, nor of - fereth thanks un - to Thy name: In dark - some grave how

man re-sembreth Thee, nor of - fereth thanks un - to Thy name: in dark - some grave

sem-breth Thee, nor of - fereth thanks un - to Thy name: in dark - some grave

Thee, nor of - fereth thanks un - to Thy name: In dark - some grave

how is he free, to ce-le-brate Thy glo - rious name, Thy glo - rious

is he free, to ce-le-brate Thy glo - rious name, Thy glo - rious

grave how is he free, to ce-le-brate Thy glo - rious name, to ce-le-brate Thy

how is he free, to ce-le-brate Thy glo - rious name, Thy glo - rious

how is he free, to ce-le-brate Thy glo - rious name, Thy glo - rious

rious name, to ce-le-brate Thy glo - rious name, to ce-le-brate Thy glo - rious name.

rious name, to ce-le-brate Thy glo - rious name, to ce-le-brate Thy glo - rious name.

glo - rious name, to ce-le-brate Thy glo - rious name, to ce-le-brate Thy glo - rious name.

name, to ce-le-brate Thy glo - rious name, Thy glo - rious name.

to ce-le-brate Thy glo - rious name, to ce-le-brate Thy glo - rious name.

THE AVTHOR GOING FVRTHER IN  
 consideration of the incomprehensible power and glory of  
 God, endeth in amazement

O how can man by Ayres or humane phrases,  
 Or any Art or skill shew hearts applaudings?  
 When holy Angels pensters of Gods prayes  
 Cannot enough in thought shew his Gollaudings.  
 Can Owlsh eyes behold his beames of brightnesse,  
 Or see the least glimpse of his shining glory?  
 Who is light Sunne, can silly sonnes of lightnesse  
 Of his great greatnesse write or pen the storie?  
 If heauens were paper, flouds and Seas were Inke,  
 The grass piles pens, and men and creatures writers,  
 Can they write what mans heart and soule doth think,  
 When spirit of sacred spirits are the Inditers?  
 No, no, alas when all is said and done,  
 And man at highest doth with thoughts aspire  
 He lights a Candle to the glorious Sunne,  
 And brings a liquid Snow-ball to the fire.  
 Against that brightest Sunne I cease to gaze,  
 To that circumference here lies the Centre;  
 I leaue myselfe confus'd within this maze,  
 And pardon pray for this my hard aduenture.

Sing laude and prayse, with thankes all duetie showe  
 To God, from whom maine Seas of mercies flowe.

vignette

This Booke hath relation to the former Booke, printed with some small additions by the Author. All the Psalms, consisting of so many feet as the Li. are to be sung eyther for voyces, consort, or both, as the Lamentations and other like in this Book, and the most of all Psalmes beside, leauing out a Semi-briefe\* in euery second line.

CRITICAL COMMENTARYSource

British Museum, K.1.i.9.

Abbreviations

A	Altus
B	Bassus
Ban	Bandora
C	Cantus
<u>c</u>	crotchet
Cit	Cittern
Ct	Contratenor
<u>del</u>	deleted
<u>do</u>	ditto
<u>dsq</u>	demisemiquaver
<u>f</u>	bass stave
<u>g</u>	treble stave
k	key signature
L	Lute
l	line
M	Medius
<u>m</u>	minim
Q	Quintus
<u>q</u>	quaver
<u>(r)</u>	rest
Sig	measure signature
<u>sq</u>	semiquaver
T	Tenor
<u>tab</u>	tablature
v(v)	verse(s)
1613	<u>The teares or lamentations, 1613.</u>

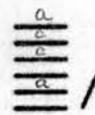
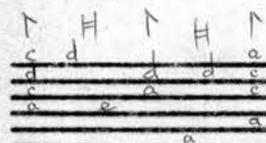
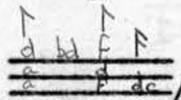
Apparatus criticus

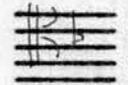
In the notes which follow a stroke separates a bar or group of bars <sup>or other item</sup> under consideration, a semicolon separates references to different parts within the bar or group of bars, and a comma separates several references to one part.

The apparatus criticus is consisely abbreviated, always following this order of reference: 1) bar or group of bars; 2) part; 3) new reading; 4) original reading or editor's comment. 3) is dispensed with where superfluous. Names of parts are in capitals with a figure following if necessary, e.g., Ct<sup>2</sup> = second contratenor. Names of notes are also in capitals with a figure preceding if necessary, e.g., <sup>2</sup>C = second note C in the bar. Symbols for the note values, which are those of the transcriptions, are in small underlined letters. In references to the instrumental parts staves are shown by g and f, e.g., Banf = Bandora bass stave. A full list of abbreviations is given above. As an example part of the commentary on number 1 is expanded here:

bar 2 Cantus the first B has a sharp sign before it ; lute

treble stave the F sharp is an E in the original/bar 3 Lute  
the third crotchet of the rhythm is a quaver in the original....

- 1) 2 C <sup>1</sup>B # ; Lg F# E/3 L <sup>3</sup>c g/5 A <sup>2</sup>F # del ; Ban last c tab reads  /  
6 A <sup>2</sup>F # del/8 Lf <sup>5</sup>G misplaced under <sup>4</sup>G/
- 2) 2 C <sup>1</sup>G # ; Ban tab reads  /3 A F # ; Lf D G ; Citg  
F #/6 Lg <sup>2</sup>G B ; Citf C D , next chord  ; Banf <sup>2</sup>D G/8 Banf do/vv 2-4  
printed with T/
- 3) 5 A <sup>2</sup>G m divided for underlay ; T B do/6 Citg <sup>2</sup>E F/7 Cit dot-c dot-g/
- 4) 1 Citf <sup>1</sup>C B/2 Citf <sup>2</sup>B F#(above) , next chord  /5 Cit <sup>3</sup>g & <sup>4</sup>g c's ; Banf  
<sup>2</sup>G A/6 Cit m c ; Citg F m—editor's E ; Citf <sup>1</sup>C D/7 C D g ; Citg <sup>1</sup>E(both)  
F ; Citf <sup>2</sup>B m—editor's <sup>2</sup>C/8 Citg G F ; Ban no rhythm sign/
- 5) 2 C E dot-m ; T G do ; B <sup>2</sup>C do ; Citf B A ; Bang <sup>2</sup>C(upper) B/3 Bang <sup>2</sup>G  
printed with <sup>2</sup>C/4 C <sup>3</sup>D m & c(r) ; A <sup>2</sup>G do/6 C D do/8 B <sup>2</sup>C dot-m/10 C <sup>2</sup>B m & c(r) ; Lg F #/11 Lg <sup>3</sup>G A/12 Citg A G/Words of the  
last couplet not in 1613/
- 6) 2 L m tab reads  /3 Citg F #/4 Citf <sup>3</sup>B C ; all parts or and in 1613—cf  
no 12 which has and/7 T <sup>2</sup>C # del/8 Citg <sup>1</sup>F # ; Bang <sup>1</sup>F do ; Banf F do/9  
C A m & c(r)/10 Citg <sup>1</sup>F # ; Banf F do/11 Citg <sup>1</sup>F #/
- 7) 5 T <sup>2</sup>C # del/6 T <sup>2</sup>C do/7 Citf F C#/vv 2-3 printed with B/
- 8) 4 Lg <sup>2</sup>C#A/6 Citf mB c & cB/7 Bang <sup>2</sup>F #/vv 2-3 printed with B/
- 9) 5 Lf <sup>3</sup>A Bb/7 Citf <sup>2</sup>G A/8 T <sup>2</sup>C # del ; Citf C #/10 A E g ; Citf B #/11 Lf  
D G ; Citg Eb D/12 all parts sight eyes in 1613/
- 10) 1 C lowest b of k placed in first space/7 Banf G C(above)/12 Citg <sup>3</sup>F #/15  
15 C <sup>2</sup>F # del/
- 11) 1 Bang F #/3 T mB c & c(r)/4 Lg <sup>2</sup>A(lower) C#6 T repeat not indicated/9 B  
that which/vv 2-3 printed with B ; v3 12 which with/10 Citf A m—editor's <sup>2</sup>G/
- 12) 1 Bang <sup>3</sup>D C/2 Bang B rhythm sign over <sup>2</sup>F#/4 Bang <sup>1</sup>D C/7 Cit tab reads  
 /8 Citf Eb D/vv 2-3 printed with B/
- 13) 1 T <sup>2</sup>C # del/2 T <sup>2</sup>G do ; B <sup>1</sup>E no dot/3 A <sup>2</sup>C # del/6 A <sup>2</sup>F do/8 Lf <sup>1</sup>B(upper)  
A/9 A <sup>2</sup>C & <sup>3</sup>C # del/10 Lg C #/vv 2-3 printed with B ; v3 hath have/
- 14) 3 Citf B #/9 Lg A c rhythm sign , <sup>2</sup>D g rhythm sign/10 Lf <sup>2</sup>D g rhythm sign  
omitted/

- 15) 1 B no Sig/4 C my mine ; B do ; L first chord a 4th higher/6 Bang <sup>2</sup>C #/
- 16) 9 A <sup>3</sup>F # del ; Lg <sup>1</sup>F E/10 Bang G F# , D E/
- 17) 1 Cit c rhythm sign omitted/2 L original rhythm signs c c sq sq <sup>g(r)</sup>/g g/3 A <sup>2</sup>G # del ; Lf E F/4 B <sup>2</sup>G # del/5 Bang C# D/7 A superfluous # between F & <sup>1</sup>E ; Lf D c , C c ; Citg <sup>2</sup>G ♭ ; Citf <sup>2</sup>B A ; Banf C D/10 C <sup>2</sup>G # del ; Lg <sup>2</sup>B ♭ ; Lf <sup>2</sup>C ♭ ; Bang C do/11 T <sup>2</sup>G # del ; Citg <sup>2</sup>G ♭/12 Citg <sup>2</sup>G ♭ ; Banf <sup>2</sup>E C/
- 18) 1 Ct <sup>2</sup>C & <sup>3</sup>C # del/2 T <sup>1</sup>A # for next G misplaced del ; Citf <sup>2</sup>B A/3 T <sup>2</sup>G # del/5 M <sup>2</sup>B g ; B <sup>2</sup>G & <sup>3</sup>G # del/7 Ct <sup>2</sup>C do/10 M <sup>1</sup>A # for next G misplaced del/11 M <sup>3</sup>G # del ; T <sup>1</sup>C g/
- 19) 10 C<sup>2</sup> <sup>2</sup>B ♭ del/17 C<sup>1</sup> <sup>2</sup>A sq/20 T mC dot-c & g/
- 20) 5 Ct <sup>2</sup>F # del/8 B <sup>1</sup>B ♭ del/14 T <sup>2</sup>F # del/vv 2-3 printed with B/
- 21) vv 2-3 printed with C/
- 22) 5 A A c—editor's g(r) /7 T <sup>3</sup>D ♭ del /12 A <sup>2</sup>F E/12-14 all parts comforts in 1613/13-15 ii indicating for pensive thoughts too much take place/13 A reside abide/13-16 B do/15-19 all parts sins in 1613/
- 23) 2 C <sup>2</sup>A ♭ del ; Ct <sup>2</sup>E do/3 Ct <sup>2</sup>E do ; B <sup>2</sup>E do/5 C <sup>3</sup>E do/6 B <sup>2</sup>A do/7 T <sup>2</sup>B ♭ del/10 Ct <sup>2</sup>E ♭ del ; T <sup>2</sup>B ♭ del/15 T <sup>2</sup>B do/16 Ct <sup>2</sup>E ♭ del/
- 24) 2 A <sup>2</sup>F # del/
- 25) 2 T <sup>4</sup>C # del/4 C <sup>2</sup>F do ; T <sup>2</sup>G do/7 A <sup>2</sup>F do/14 C <sup>2</sup>C & <sup>3</sup>C do/vv 1-4 printed with C T & B , v1 not underlayed/vv 2-5 printed with A , v1 underlayed/
- 26) 13 A <sup>2</sup>F # del/
- 28) 3 B the my/10 A Thy His/
- 29) 16 C<sup>2</sup> <sup>2</sup>F # del/vv 2-3 printed with C<sup>3</sup> , first line only of v4 printed/
- 30) 10 T <sup>2</sup>C # del/13 A <sup>2</sup>B g/14 A <sup>2</sup>F # del/15 C <sup>2</sup>B ♭ del/16 T <sup>1</sup>E ♭ del/
- 31) 35 C<sup>1</sup> <sup>2</sup>G # del/
- 32) 1 C<sup>5</sup> original clef  ; C<sup>1</sup> m(r) c(r)/3 C<sup>3</sup> <sup>2</sup>G # del/7 C<sup>2</sup> <sup>2</sup>G do /9 C<sup>2</sup> <sup>2</sup>F do/12 C<sup>4</sup> <sup>2</sup>G do/vv 2-7 printed with C<sup>1</sup> C<sup>2</sup> C<sup>3</sup> & C<sup>4</sup>/ <sup>8</sup> C<sup>3</sup> <sup>2</sup>G & <sup>3</sup>G do/
- 33) 5 all parts m /8 Q <sup>2</sup>F G/9 T D sq/vv 2-6 printed with C A Q & T/
- 34) 1 C no Sig ; Ct do ; B do/8 A <sup>2</sup>A ♭ del/12 C <sup>2</sup>A do/13 C <sup>1</sup>D & <sup>2</sup>D c divided for underlay/16 Ct <sup>2</sup>E ♭ del/19 Ct <sup>2</sup>E do/21 T <sup>2</sup>D do/37 Ct <sup>2</sup>E do/41 T <sup>2</sup>A do/51 Ct <sup>2</sup>E & <sup>3</sup>E do/
- 35) 1 C no Sig : A do ; T m(r) printed before Sig/9 C <sup>2</sup>B ♭ del/21 all parts C/26 all parts C/28a T no m(r)/

- 36) 12 Q <sup>1</sup>E ~~14~~ Q <sup>2</sup>D no dot/vv 2-5 printed with C, A, Q & T/
- 37) 1 Q <sup>2</sup>C # ~~2~~ B <sup>2</sup>C do/5 all parts makes mak'st in 1613/6-7 C which with all oblation/8 C <sup>2</sup>G # ~~del~~ ; all parts t'appease appease in 1613/9 C that's is , <sup>1</sup>A followed by superfluous q(r)/vv 1-5 printed with C & Q/vv 1-6 printed with T/
- 38) 17 B C handwritten/26 B <sup>2</sup>E b ~~del/~~
- 39) 1 Ct no Sig , <sup>1</sup>E b misplaced before <sup>2</sup>E/3 Ct <sup>2</sup>E b ~~del/~~ <sup>5</sup>T <sup>2</sup>F # ~~del/~~ 6 B <sup>2</sup>E b/9 B <sup>2</sup>B b ~~del/~~ 10 A <sup>2</sup>A b ~~del/~~ 11 A <sup>2</sup>E do/12 B <sup>2</sup>E do/17 Ct <sup>2</sup>D # for C misplaced/18 A <sup>2</sup>E b ~~del/~~ 20 A for and/21 A do/26 C <sup>2</sup>B b ~~del~~ ; A <sup>2</sup>B do/27 T <sup>2</sup>B do/28 A <sup>2</sup>C # ~~del/~~ 31 A <sup>2</sup>B b ~~del/~~ 33 A B b ~~del/~~
- 40) 1 B no Sig/2 T C inked in A crossed out/9 C <sup>3</sup>C Bb/13 B <sup>3</sup>A b ~~del/~~ 14 A <sup>3</sup>A do/16 A <sup>2</sup>E b ~~del~~ ; Q <sup>2</sup>E & <sup>3</sup>E do ; T <sup>2</sup>B do/17 C <sup>2</sup>F # ~~del~~ ; A <sup>2</sup>E & <sup>3</sup>E b ~~del~~ ; B <sup>2</sup>B do/18 C <sup>2</sup>B do ; T <sup>2</sup>B do ; B <sup>2</sup>F # ~~del/~~ 19 C <sup>2</sup>B b ~~del~~ ; A <sup>2</sup>E do ; Q <sup>2</sup>C # ~~del~~ ; B <sup>2</sup>F do/25 Q <sup>2</sup>E b ~~del/~~
- 41) 2 Q <sup>2</sup>F # ~~del/~~ 6 B G #/10 C <sup>2</sup>G # ~~del/~~ 13 Q <sup>2</sup>E F/22 Q <sup>2</sup>G # ~~del/~~ 23 T F b ~~del/~~ 26 C <sup>2</sup>G & <sup>3</sup>G # ~~del/~~ ; A editor's A/
- 42) 3 Q cried called/vv 2-5 printed with C & A/
- 43) 1 C no Sig/7 C m(r) c(r) but ink addition to correct/
- 44) 2 T <sup>2</sup>G # ~~del/~~ 8-9 all parts deserv'st deserves/14 T <sup>2</sup>F # ~~del/~~ 15-19 all parts know'st knowest/16 C <sup>2</sup>G # ~~del/~~ 18 C <sup>2</sup>C do ; A B do/26 C C b ~~del/~~ 28 Ct <sup>2</sup>G # ~~del/~~
- 45) 12 A <sup>2</sup>F # ~~del~~ , E # for <sup>3</sup>F misplaced , <sup>4</sup>F # ~~del/~~ 14 C G # for <sup>1</sup>F misplaced , <sup>2</sup>F # ~~del/~~ 15 T <sup>2</sup>G # for <sup>1</sup>F misplaced/17 A <sup>2</sup>F & <sup>3</sup>F # ~~del~~ ; Ct <sup>2</sup>D # for <sup>3</sup>C misplaced/21 A <sup>2</sup>F & <sup>3</sup>F # ~~del/~~ 22 A <sup>2</sup>F do , <sup>2</sup>G & <sup>3</sup>G do/23 C <sup>2</sup>C do ; Ct <sup>2</sup>C do/24 B <sup>2</sup>F do/25 Ct <sup>1</sup>B dot-c—editor's rest/28 Ct <sup>2</sup>F # ~~del/~~
- 46) 1 A no Sig ; B do/12 T <sup>2</sup>D b ~~del/~~ 17 T <sup>2</sup>D do/
- 47) 6 Ct D q/7 Ct D C/8 C <sup>2</sup>G # ~~del/~~ 26 C D # for next C misplaced/28 T <sup>2</sup>F & <sup>3</sup>F # ~~del/~~ 29 Ct G dsq , <sup>2</sup>F & <sup>3</sup>F # ~~del/~~ 30 A <sup>2</sup>B b ~~del~~ ; B <sup>2</sup>B do/31 C <sup>2</sup>F & <sup>3</sup>F # ~~del/~~ 32 C <sup>2</sup>F do/33 Ct <sup>2</sup>F do/35 T <sup>2</sup>F do/
- 48) 3 B <sup>2</sup>B b ~~del/~~ 5 T moans moan/7 C <sup>2</sup>B & <sup>3</sup>B b ~~del/~~ 8 A <sup>1</sup>F dot-q <sup>2</sup>F # ~~del/~~ 16 Q <sup>3</sup>B b ~~del/~~ 17 A <sup>3</sup>B do/18 C <sup>3</sup>B do/
- 49) 2 Q God Lord/3 Q <sup>2</sup>F # ~~del/~~ 6 Q <sup>2</sup>F do/8 A <sup>2</sup>F do/9 C <sup>2</sup>C do/11 A <sup>2</sup>C do/12 A grace help/13 A <sup>2</sup>F & <sup>3</sup>F # ~~del/~~ 15 T <sup>3</sup>G do/16 C grace help/22 C <sup>2</sup>D # for <sup>2</sup>C misplaced ~~del/~~
- 50) 2 T <sup>2</sup>E b ~~del/~~ 8 C <sup>2</sup>B do/12 T <sup>2</sup>B do/15 C <sup>2</sup>A b ~~del/~~ 18 C <sup>2</sup>E b ~~del/~~ 19 C <sup>1</sup>C & <sup>2</sup>C q divided for underlay/20 T <sup>1</sup>E b for <sup>2</sup>E misplaced , <sup>3</sup>E b ~~del/~~ 23 A <sup>2</sup>A b ~~del/~~ 25 B <sup>2</sup>A do/31 B <sup>2</sup>D b ~~del/~~ 33 C <sup>2</sup>E b ~~del/~~
- 51) 5 C <sup>2</sup>E b ~~del/~~ <sup>8</sup>B <sup>2</sup>A do/10 Q <sup>2</sup>E do/11 T <sup>2</sup>E do/12 B <sup>2</sup>E do/13 A <sup>2</sup>E do/14 C <sup>2</sup>E do/

/26 T<sup>2</sup>B h del/27 C Ch for next B misplaced/28 C<sup>2</sup>B h del/

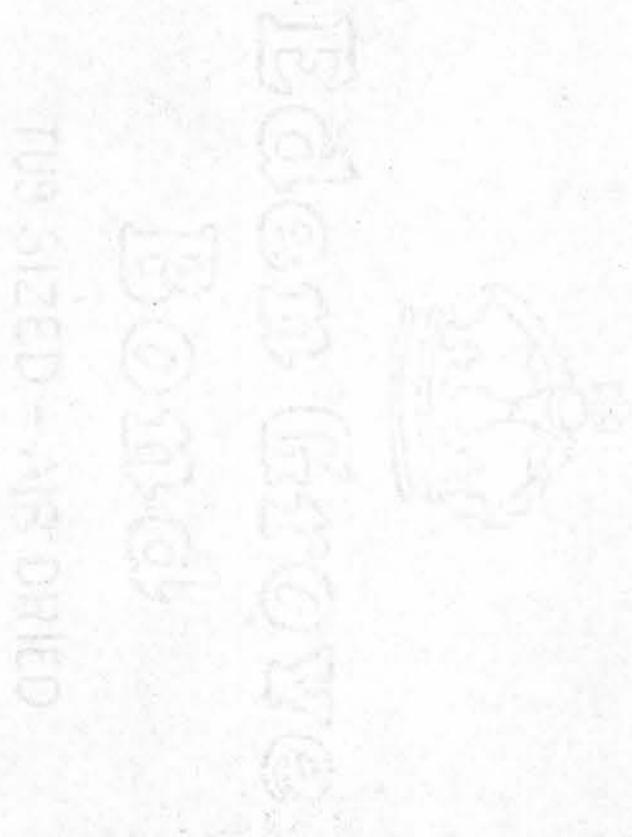
52) 14 T B c/18 C<sup>2</sup>D # del ; T<sup>2</sup>F do/19 Ct<sup>2</sup>F do/20 T<sup>2</sup>F do/26 C G # handwritten/

53) 1 Ct two Sigs, one before k, another after k/

54) 1 C k of first stave omitted ; Q k throughout ~~h~~ ; T Sig before k/13

T<sup>2</sup>E & <sup>3</sup>E h del/17 A<sup>2</sup>E g/23 B<sup>2</sup>D b del/25 Q<sup>2</sup>B h del/30 B D h del/35 Q<sup>3</sup>E h del/ <sup>26-8 m(r) short/</sup>

55) 2 B<sup>2</sup>F # del/5 A<sup>2</sup>F do/8-9 C tied-D dot-m/15 B B h del/18 Q<sup>2</sup>B b del/21 Q<sup>2</sup>F # del/



## NOTES

## Chapter I

- 1) Epistle dedicatorie, 1613 book, (\*2<sup>V</sup>).
- 2) ibid.
- 3) Two well-known examples are The triumphs of Oriana and the 50 variations on a waltz of Diabelli, which stimulated Beethoven to compose (instead of one variation as invited) an independent set of 33.
- 4) Appendix 15, p.lxxv.

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## Chapter II

- 1) Beriah Botfield Stemmata Botevilliana, 1858, pp.157-204, is the source of material for much of this chapter.
- 2) Wm. Betham The baronetage of England, 1801-5, Vol. III, p.101.
- 3) The Complete Peerage, ed. Vicary Gibbs, Vol. VII, p.142.
- 4) Parliamentary returns for 1482-1523 have not survived, precluding a date.
- 5) Shropshire Archeological Society Transcriptions, (SAST), Vol.II, p.290-4. Botfield op.cit., p.dxxv, gives a transcript of the monument inscription which conflicts with this one. The writer has been unable to inspect the monument itself.
- 6) Inner Temple Admission Register, Vol.I, p.333.
- 7) Parish Register Society, Vol.23, p.1.
- 8) SAST, folding plate at p.293.
- 9) Returns of Members of Parliament 1213-1702. Printed by order of the House of Commons, 1878.
- 10) op.cit.
- 11) Historical Manuscripts Commission, (HMC), X, Vol.4, p.375.
- 12) Public Record Office, (PRO), C 21/B2/7.
- 13) HMC, Salisbury, Vol.10, p.314.
- 14) PRO, C 2/Eliz. L8/15 and C 2/Jas I. L14/6.
- 15) Vol.II, p.51—Printed with Anthony Wood's, Athenae Oxonienses, 1727.
- 16) British Museum, (BM), Add.Ms. 28615.
- 17) This information was supplied by the Rouge Croix Pursuivant of Arms.
- 18) PRO, KB 32/5.
- 19) Harlean Society Register Series, Vol.III, p.193.
- 20) Shrewsbury School Regestum Scholarium, 1562-1635, trans. E. Calvert, 1892.
- 21) ibid., p.41.
- 22) ibid., p.56.
- 23) HMC, Salisbury, Vol.10, p.349.
- 24) Returns of Members of Parl. etc.
- 25) PRO, E 407/35.
- 26) Wm. A. Shaw The knights of England, 1906, Vol. II, p.121.

- 27) Appendix 3, p.xlii.
- 28) Corporation of London, Guildhall Library, Ms. 2968/2, fol.74<sup>r</sup>.
- 29) ibid., Ms. 10342.
- 30) ibid., Ms. 2968/2, fol.116<sup>v</sup>-117<sup>r</sup>.
- 31) PRO, C 21/L8/11.
- 32) There is a possibility that it was among those wills for the Archdeaconry of Middlesex thought to have been destroyed in a fire at the house of Master Rawe, Deputy Registrar of that Archdeaconry, in July 1664 (Act Book I, p.85). The gap extends from 1611 to 1661. This set of wills is in the Middlesex County Record Office.
- 33) Appendix 14, p.lxx.
- 34) Appendix 1, p.xxxviii.
- 35) This is more likely to have been the English mark, worth 13s : 4d., than the Scottish mark, worth 13<sup>1</sup>/<sub>2</sub>d. Lennox is a Scottish dukedom.
- 36) Appendix 7, p.lxiv.
- 37) Appendix 14, p.lxx.

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## Chapter III

- 1) Appendices 1-6.
- 2) Appendices 11-18.
- 3) Appendices 7-10.
- 4) Specialists in early seventeenth century King's Bench script are rare, none being known to the writer outside the staff of the Public Record Office, who are reluctant to give more than cursory help.
- 5) Appendix 1, p. xxxviii
- 6) M. S. Giuseppi Guide to the Public Records, Vol.I, revised 1963, p.114.
- 7) Giles Jacob A new law dictionary, 1732, Trespass
- 8) "thei haue contrived vnto themselues or some of theym or to some other pson or psons to thei(r) or some of their vse sundrie secrett estatc in the p<sup>r</sup>misses".
- 9) The reports for that year are in PRO, C 38/2.
- 10) Appendix 2, p.xxxix. Onslow (Leighton's cousin), Coates, Mitton and Thornes, and also Thomas Clive named in this document, were members of well-known Shropshire families. Harlean Society, Vol.88-9, 1889.
- 11) Appendix 6, p.lxiii.
- 12) Appendix 5, p.xlv.
- 13) Jacob, op.cit., Fine.
- 14) SAST, Vol.II, p.291. Leighton's virtual exclusion from his father's will is significant; it may be Leighton's behaviour caused a rift between them. The will was made two days before the death of William Leighton senior.
- 15) Appendix 4, p.xliii.
- 16) Appendix 5: Fitzherbert's answers, 5, 7 & 18, p. xlix-lii; question 3 to Leighton, p.liv.
- 17) ibid: Fitzherbert's answer 5; question 3 to Leighton.
- 18) 37 Henry VIII, c.9; repealed 5-6 Edward VI, c.20;

- revived 13 Eliz. I, c.8.
- 19) p.liv.
  - 20) Appendix 5; Fitzherbert answer 18, p.lii.
  - 21) This affair was an involved one, for which some evidence is missing. It is not proposed to discuss it here, since it is too long and Leighton's part in it is well-illustrated by the original text and the comments in this chapter.
  - 22) HMC, Salisbury, Vol.10, p.349.
  - 23) Appendix 5; Fitzherbert's answer 19, p.liii.
  - 24) ibid., answer 18, p.lii.
  - 25) Topcliffe's letter, HMC, op.cit.
  - 26) Appendix 5; Leighton's answers, pp.lvi-lvii, especially number 19.
  - 27) PRO, C 66/1781, sect. 66, 87, 107 & 108.
  - 28) 1609 by the new style calendar.
  - 29) about whom nothing is known.
  - 30) Appendix 11, p.lxviii.
  - 31) about whom nothing is known.
  - 32) Appendix 12, p.lxviii.
  - 33) Tower's bond was dated 24 December 1605; Pollard's 4 December 1605.
  - 34) "diem mercurij proximum post xvij Pasche isto eodem Termine" (i.e. 13 May 1609). The use of the term 'eighteenth day after' occurs in all the King's Bench Records consulted; it is curious and puzzled two PRO experts.
  - 35) "Willelmus Leighton habuit licenciam ad billam praedictam interloquendum et tunc ad respondendum".
  - 36) about whom nothing is known.
  - 37) Appendix 13, p.lxix.
  - 38) There were two forms of execution for non-payment of debts; either the plaintiff could demand the debtor's goods for sale to raise the cash, or he could demand his imprisonment until satisfaction was given.
  - 39) The court roll has xvj<sup>o</sup> in error for xxvj<sup>o</sup>.
  - 40) The Marshalsea was the King's Bench prison for debtors and those committed for contempt. The Fleet was for the Chancery, Exchequer and Common Pleas.
  - 41) PRO, KB 125/12, last leaf. The duplication was probably an oversight.
  - 42) This is a composite of the two, the leaf having deteriorated in part. The brackets indicate the variation between the two.
  - 43) PRO, KB 125/13.
  - 44) In fact Leighton was only one of a number of people summoned. Almost the same list repeatedly appears in the Rule Book for the next two years, beyond which the books have deteriorated through damp and mice. John Lepton, who may be the one who contributed to The tears, is also in the list.
  - 45) Jacob op.cit., Outlaw.
  - 46) Appendices 9 & 10, p.lxv.
  - 47) 13 Edward I, Stat. Westm. sec., c.11.
  - 48) leases, rents, etc.
  - 49) Jacob op.cit., Outlawry.
  - 50) Appendix 14, p.lxxiii.
  - 51) Appendix 15, p.lxxv.
  - 52) 400 marks were outstanding, presumably worth 13s : 4d. each.
  - 53) Vol.II, p.58.
  - 54) about whom nothing is known.
  - 55) about whom nothing is known.
  - 56) about whom nothing is known.
  - 57) about whom nothing is known.
  - 58) note 38)
  - 59) p.4.
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- #### Chapter IV
- 1) Edward Arber A transcript of the registers of the Stationers Company, 1557-1640, Vol.III, p.514. Anthony Wood in his Athenae Oxonienses (under Thomas Rogers) wrote, "Another Tho. Rogers I find, who was born in Gloucestershire, in, or near to, Tewksbury, lived mostly in his latter days, in the Parish of S. Giles in the Feilds near London, and published a Poem entitled The Tears or Lamentations of a sorrowful Soul. Lond. 1612, qu. written by Sir William Leighton, Knight, one of his Majesty's band of Pensioners. To which the said Tho. Rogers added of his own composition, a Poem called Glocester's Mite". The error about Rogers publishing The tears was noted by Philip Bliss in his edition of Wood in 1815. The error occurred because Wood did not examine the Bodleian volume containing only these two works, which was bound before 1620.
  - 2) Photographs of 1-7 are in Vol.III; 8-11 in Vol. II, p.62-8.
  - 3) Stubs, which are irrelevant to the argument, are ignored.
  - 4) This applies throughout the main text of The tears.
  - 5) One assumes he is referring to the character of his ballets and canzonets.
  - 6) "To the courteous reader"; Alec Harman's edition, 1952, p.5.
  - 7) The whole farce of <sup>aristocratic</sup> protection was very ably ridiculed by Carlo Goldini, through his character, Count di Rocca-Monte, in The Fan, 1763.
  - 8) p.xxiii
  - 9) Returns of Members of Parl. etc.
  - 10) Sampson Erdeswick A survey of Staffordshire, 1820, p.232.
  - 11) This view rests solely on Leighton's answer 20 in Appendix 5, p.lvii.
  - 12) J. & J. A. Venn Alumni Cantabrigienses, Part I, 1924, Layfield.
  - 13) Joseph Foster Alumni Oxonienses, Early series, 1891, Hopton
  - 14) Register of admissions to the Honourable Society of the Middle Temple, comp. H. A. C. Sturgess, 1949, Vol.I.
  - 15) The entry in the burial register, now in Westminster Public Library, reads:- "Arthur Hopton gent. from Godfrey Johnsons".
  - 16) Wm. A. Shaw op.cit., p.205.
  - 17) Leighton, Sir William

- 18) Botfield op.cit., p.184.
- 19) Visitation of Somerset, 1623, Harlean Society, Vol.XI, 1876, p.57.
- 20) PRO, KB 27/1435 rot 542, KB 125/13-5, C 2/Jas I. E6/70 and C 3/281/7
- 21) The text of these poems is in Vol.III, except Burt's, which is in Vol.II, p.63.
- 22) Oxford English dictionary, key to pronunciation.
- 23) Appendix 14, p.lxxi
- 24) Lamentations 3, 4, 5, 6 & 7 were placed under one heading. They have been separated here.
- 25) Vol.III, p.3.
- 26) ibid., p.9.
- 27) ibid., p.169.
- 28) This is used in its wider sense of a delight in receiving punishment, rather than as a variety of sexual perversion.
- 29) Vol.III, p.52.
- 30) ibid., p.88.
- 31) ibid., p.62.
- 32) ibid., p.85.
- 33) p.3.
- 34) Vol.III, p.74-5.
- 35) The reader will recall that Leighton was virtually excluded from his father's will.
- 36) Vol.III, p.7, vv.21-2.
- 37) ibid., pp.3 & 187.

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#### Chapter V

- 1) A declaration by the author.....(t.-p.<sup>v</sup>)
- 2) A definition of whether they are motets, anthems or madrigals is avoided for the moment.
- 3) The composers with the number of pieces each contributed are:- Bull(3), Byrd(4), Coperario (2), Dowland(2), Ferrabosco(3), Ford(2), Gibbons(2), Giles(2), Hooper(2), Johnson(2), Jones(3), Kindersly(2), Lupo(2), Milton(4), Peerson(3), Pilkington(2), Thopul(1), Ward(2), Weelkes(2) and Wilbye(2).
- 4) ed. Wm. A. Jackson for The Bibliographical Society, London, 1957.
- 5) ibid., p.446.
- 6) ibid., p.465.
- 7) ibid., p.131.
- 8) ibid., p.471.
- 9) ibid., p.196. The master was Bonham Norton.
- 10) ibid., p.197-8.
- 11) ibid., p.198.
- 12) ibid., p.475.
- 13) Edward Arber op.cit., Vol.III, p.544.
- 14) Jackson, op.cit., p.455.
- 15) p.11.
- 16) Vol.III.
- 17) p.91.
- 18) Harman & Mellers Man and his music, 1962, p.212.
- 19) This is known from actions brought by George Eastland, the publisher, against Thomas Este, the printer: PRO, KB 27/1364 rot 534, Req 2/202/63, Req 2/203/4 and C 2/Eliz. E1/64.
- 20) These will be listed later.
- 21) E. T. Warren Horne added the words "Resolutio of a rota" in BM, Add.Ms. 31418, fol.70<sup>v</sup>.
- 22) Botfield op.cit., p.186.
- 23) Appendix 16, p.lxxvi.
- 24) Joseph Foster op.cit., Moorie.
- 25) Botfield op.cit., p.184.
- 26) The review of English studies, Vol.I, 1925, p.454-6.
- 27) Cambridge, Mass., 1932, Vol.II, p.42.
- 28) Francis Davidson's Poetical Rhapsody, ed. A. H. Bullen, 1891, Vol.II, p.189.
- 29) Information supplied by the Somerset County Record Office.
- 30) Goddesses of music, pastoral poetry, dancing and harmony respectively.
- 31) Cedmon was associated with Streaneshalch Abbey, Whitby, c.680. For Bede's Ecclesiastical history of England referred to by Sturtevant see The complete works of the Venerable Bede, ed. J. A. Giles, 1843, Vol.III, p.112.
- 32) The numbers given in this introduction refer to the numbering of this edition.
- 33) Vol.III, p.13-6.
- 34) ibid., pp.120 & 139.
- 35) There is no reference to the 1613 book at the foot of Thopul's piece. This, and a number of others which were omitted, have been added to the photographs, Vol.IV, by the writer.
- 36) op.cit., p.292.
- 37) p.xxviii.
- 38) op.cit., p.294.
- 39) ibid., p.292-3.
- 40) E. H. Fellowes William Byrd, 2nd ed., 1948, p.132; Orlando Gibbons and his family, 2nd ed., 1951, p.61.
- 41) English Madrigal Composers, 1921, pp.210 & 246.
- 42) English Cathedral Music, 1941, p.112.
- 43) Harman and Mellers, op.cit., p.329.
- 44) Robert Barney Childs The setting of poetry in the English madrigal, unpublished doctoral dissertation, Stanford University, U.S.A., 1957.
- 45) Elizabethan music and musical criticism, 2nd ed., 1962, p.57.
- 46) H. C. Lafontaine, The King's Musick, 1909, pp.83 & 89.
- 47) Harlean Society Register Series, Vol.LXII, p.250.
- 48) ibid., Vol.XLI, p.92.
- 49) Henry Harrison Surnames of the United Kingdom, Vol.II, 1918.
- 50) The collected anthems of Thomas Weelkes, ed. Brown, Collins & le Huray, Musica Britannica, Vol.XXIII, p.132.
- 51) Vol.IV, which is a reproduction of the BM copy.
- 52) Edward Rimbault Bibliotheca madrigaliana, 1847, p.41-2, lists number 18 in its original place

and omits number 42 from his list altogether.

- 53) Leighton used the word bandora; this is retained in favour of the modern word pandora, Sydney Beck in his edition of Morley's The first book of consort lessons 1599 & 1611, 1959, p.8, quotes a note in Stow's Annals, which the writer cannot confirm, that the bandora was invented in the "fourth year of Queen Elizabeth (i.e. 1562) by John Rose, citizen of London, living in Bridewell".
- 54) A Letter: Whearin, part of the Entertainment, unto the Queens Maiesty, at Killingworth Castl, in Warwik Sheer, in this Soomerz Progress, 1575, iz signified from a freend officer attendant in the Coourt, unto hiz freend a Citizen, and Merchaunt of London. Robert Laneham to Humphrey Martin. See John Nicols, The progresses and public processions of Queen Elizabeth, 1823, Vol.I, p.420.
- 55) Bernard Garter The Ioyful Receyuing of the Queenes most excellent Maiestie into hir Highnesse Citie of Norwich, n.d.; see Nicols, op.cit., Vol.II, pp.136, 149 & 159.
- 56) The Honorable Entertainment gieven to the Quene's Maiestie, in Progresse, at Elvertham in Hampshire, by the Right Hon'ble the Earl of Hertford, 1591; see Nicols op.cit., Vol.III, pp.109 & 119.
- 57) Beck op.cit., p.9.
- 58) Jean Baptiste Besard Thesaurus harmonicus, 1603: "prout sunt illi Anglicani concentus suavissimi quidem, ac elegantes".
- 59) Michael Praetorius Syntagma Musicum, Vol.III, 1619, p.5.
- 60) Stephen Gosson The schoole of abuse, 1579, ed. Edw. Arber, 1895, p.69-70.
- 61) Thomas Lodge A reply to Stephen Gosson's Schoole of abuse, c.1580, p.29. Complete works of Thomas Lodge, Vol.I, Hunterian Club, 1883.
- 62) Beck op.cit., frontispiece.
- 63) Beck, ibid., has given a full account of the broken consort in his introduction.
- 64) H. K. Andrews Transposition of Byrd's vocal polyphony, Music and Letters, Vol.43, 1962, p.25.
- 65) Now in St. Michael's College, Tenbury.
- 66) International standard pitch a' = 440.
- 67) a' = 505.8: Fellowes English Madrigal Composers, 1921, p.71.
- 68) ibid., p.72.
- 69) Instrumental pitch is thought to have been a third standard, about a minor third below ours.
- 70) op.cit., p.274
- 71) ibid., p.275
- 72) Numbers 3, 4, 5, 10, 21, 22, 28, 34, 40, 46, 50, 51 and 54.
- 73) Numbers 4, 7, 13 and 35.
- 74) Number 36.
- 75) The title-page has "fiftieth", an error which has been copied by all commentators.
- 76) Sylva sylvarum: or a natural history, in ten centuries, Century III, 279.
- 77) Augustus Hughes-Hughes Catalogue of manuscript music in the British Museum, 1906, Vol.I.  
F. Madam Summary catalogue of western mss. in the Bodleian library, 1897—.  
Dom Anselm Hughes Catalogue of the musical mss. at Peterhouse, Cambridge, 1953.
- 78) p.91.

#### Appendices

- 1) A hole in the ms.
- 2) 'days'?
- 3) A second hole in the ms.
- 4) The formal Latin enrollment has been omitted.
- 5) Leighton's father.
- 6) Elizabeth; see Appendix 3, p.xlii.
- 7) Edge of the ms. worn.
- 8) A hole in the ms.
- 9) Edge of the ms. worn.
- 10) Edge of the ms. worn
- 11) These are pseudonym's used in all actions for the plaintiff's witnesses.
- 12) Ms. creased; script deteriorated.
- 13) In fact 'John'
- 14) These Exceptions seem to have been delivered orally; no record appears to have survived.
- 15) This should read 'Abrahami'.
- 16) The abbreviation Crn, which stands at this point, also appears at the end of Appendix 16.

#### The tears

- 1) This should read fifty-first, since both this psalm and the majority of the poems are long metre. The fiftieth psalm is 10. 10. 10. 10.
- 2) No dot.
- 3) Director A. Cantus continues with bassus, altus with cantus, etc.
- 4) Marginal manuscript; apparently nineteenth century.
- 5) A revised version of the original table.
- 6) p.xxxii.
- 7) Minim in this edition.

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