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1600-1858

Number of references ordered: 10

Item number 1

Source: Public Record Office: C 33/165 pp. 18-19

Title: *Chancery Orders & Decrees Michaelmas 9 Charles I*

11 October 1633

Nich Blacker q'

Geo. Blacker et [al' def']

Vpon opening of the matter this p^rnte daie vnto this Co^rt by Mr Cesar being of the pl^r't^s Councell It was alleadged that the pl^r' seeking by his bill to be releived as p^r'mis^s's in question the said Def^r't^s haue by aunswere confessed the having of all the deedes Evidenc^s charters and writing^s concerning the said p^r'mis^s's wch of right belong to the pl^r'. It is therevpon ordered that A S[']pa duc['] tec['] be awarded ag^t the Def^r's to bring into this Co^rt all the deedes Evidenc^s charters and writing^s wch they or either of them haue in their custody concerning the p^r'mis^s's in question, or at the retourne of the proc^s to shew vnto this Court good cause to the contrary

Upon opening the matter today to this court by Mr Cesar (one of the plaintiff's counsel), it was alleged that the plaintiff, seeking by his bill to be relieved as premises in question, the said defendants have by their answer confessed that they have all the deeds, evidences, charters and writings concerning the premises, which rightfully belong to the plaintiff. It is thereupon ordered that a subpoena ducens tecum be awarded against the defendants, to bring into this court all the deeds, evidences, charters and writings that they or either of them have in their custody concerning the premises in question, or upon the return of the process to show to this court good reason to the contrary.

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Number of references ordered: 10

Item number 2

Source: Public Record Office: C 33/165 p. 172

Title: *Chancery Orders & Decrees Michaelmas 9 Charles I*

28 November 1633

Nicho. Blacker q'

Geo. Blacker et al def'

Whereby an order of the xjth of October last A s'pa duc' tec' was awarded ag^t the Def to bring in all the Deedes evidenc^s charters and writing^s wch they or either of them had in their custody concerning the p^rmiss's in question or at the retourne of the proc^s to shew good cause to the contrary Forasmuch as this Court was this pⁿte Day informed by S^r John Banck^s Kt the Princ^s Attorney being of the Def's Councell that the def^ts doe by their aunswere make title to the said writing^s confessed in their aunswere wthout w^{ch} they cannot make good their title to the p^rmiss's in question so as there is noe cause whie the def^ts should be compelled to part wth their writing^s It is therefore ordered that S^r Edward Salter Kt one &c' shall consider of the said Def^ts aunswere and certifie whither the Def^ts doe thereby intitle themselues to the said Evidenc^s and writing^s & whither they ought to bring them into Co^rt or not, Wherevpon such order shalbe taken as shalbe meete and in the meane tyme the bringing in of the s^d deedes & Evidenc^s is spared

Whereas by an order of 11 October last a subpoena ducens tecum was awarded against the defendants to bring in all the deeds, evidences, charters and writings which they or either of them had in their custody concerning the premises in question, or at the return of the process to show good cause to the contrary; whereas this court was today informed by sir John Bancks knight, the Prince's Attorney (being one of the defendant's counsel) that the defendants by their answer claim title to the said writings confessed in their answer, without which they cannot make good their title to the premises in question, so that there is no reason why the defendants should be compelled to part with their writings. It is therefore ordered that sir Edward Salter knight, one of the Masters of this court, shall consider the said defendants' answer and certify whether the defendants do thereby entitle themselves to the said evidences and

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writings, and whether they ought to bring them into court or not, whereupon such order shall be taken as shall be fitting; and in the meantime the bringing in of the said deeds and evidences is spared.

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Number of references ordered: 10

Item number 3

Source: Public Record Office: C 33/165 p. 577v

Title: *Chancery Orders & Decrees Easter 10 Charles I*

14 May 1634

Anna Blacker vid' q'

Tho. Jervois mil' def'

Vpon opening of the matter this daie vnto the Court by M^r Fountaine being of the def^t's Councill and vpon the shewing fourth of an Aff^t made by W^m Guidott gen' Forasmuch as it appeareth that the said Def^r hath Diuers materiall witnes's wch he could not produce to be examined at the execuc'on of the Last Com' there being not as yet any one witness examined in this Cause on his behaulf Wherefore and for that the said Def^t S^r Tho. Jervois by reason of his Ma^{ts} service already appointed and in regard of many important and vrgent occac'ons & Affaires of his owne +cannot+ wth any conveniency attend the execuc'on of any Com' in this Cause this next vacac'on in regard of the shortnes thereof It was therefore humbly prayed that the said Def^r might stand time till the long vacac'on for exa'iac'on of his witnes's and that the Com' might be renewed It is therevpon ordered that the 6. cleark^s not toward^s this Cause shall take considerac'on of the said Aff^r & if they shall find Cause for renewing of the s'd Com' then the said def^r shall renewe the same and haue tyme till the next long vacac'on for the exam' of his said witnes's as was now desired.

Upon the opening of the matter this day to the court by Mr Fountaine (one of the defendant's counsel), and upon the exhibition of an affidavit made by William Guidott gentleman: whereas it appears that the said defendant has various material witnesses whom he could not produced to be examined at the execution of the last commission, there being not as yet any one witness examined in this cause on his behalf: wherefore, and because the said defendant sir Thomas Jervois, by reason of his Majesty's service already appointed, and in regard of the many important and urgent occasions and affairs of his own, cannot conveniently attend the execution of any commission in this cause this next vacation, in regard to the shortness of the same. It was therefore

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humbly prayed that the said defendant might defer until the long vacation for the examination of his witnesses, and that the commission might be renewed. It is thereupon ordered that the Six Clerks who are not involved in this case shall take consideration of the said affidavit, and if they shall find cause for renewing the said commission, then the said defendant shall renew the same, and have time until the next long vacation for the examining of his said witnesses, as was now desired.

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Number of references ordered: 10

Item number 4

Source: Public Record Office: C 33/165 p. 581

Title: *Chancery Orders & Decrees Easter 10 Charles I*

10 May 1634

Anna Blacker vid' q'

Tho. Jervoise mil' et al' def'

If the Def' shew noe cause for staie of publ' by this day seavenight then
publ' is graunted

*If the defendant show no cause for stay of publication within the next
week, then publication is granted.*

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Number of references ordered: 10

Item number 5

Source: Public Record Office: C 33/165 p. 667

Title: *Chancery Orders & Decrees Easter 10 Charles I*

22 May 1634

Anna Blacker vid' q'

Tho. Jervois mil' def'

According to the opinion and certiff' of the 6. cleark^s not toward^s this cause haueing had considerac'on of the matter by direcc'on of an order of the xiiijth of this moneth and of an Afft therein menc'oned touching the renewing of the Com' for the def' to examine his witness's It is ordered in pursuance of the said order that the s'd Com' be renewed for exa'iac'on of the said Def't^s witness's vpon such Interr's onely as +were+ form'ly ex'ted R^e the first retourne of the next Mich'as tearme

In accordance with the opinion and certificate of the Six Clerks not involved in this case, they having had consideration of the matter by direction of an order of the 14th of this month, and of an affidavit therein mentioned relating to the renewal of the commission for the defendant to examine his witnesses: it is ordered, in pursuance of the said order, that the said commission be renewed for examination of the said defendant's witnesses but only upon such interrogatories as were formerly exhibited: returnable the first return of next Michaelmas term.

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Number of references ordered: 10

Item number 6

Source: Public Record Office: C 33/165 p. 658v

Title: *Chancery Orders & Decrees Easter 10 Charles I*

4 June 1634

Edward Blacker q'

Rich Maddocke et vx' eius def'

The pl' is adiudged to pay to the Def 46^s 8^d cost^s for want of A bill

The plaintiff is adjudged to pay to the defendant 46s 8d costs, because he has not prosecuted his bill.

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Number of references ordered: 10

Item number 7

Source: Public Record Office: C 33/165 p. 742

Title: *Chancery Orders & Decrees Trinity 10 Charles I*

25 June 1634

Ws Blacker ar' q'

Anna Blacker vid' Def'

Whereas the Def' hath A Com' to take her aunsweare R^e the next tearme
Now vpon the moc'on of M^r Goddard being of the Def't^s Councill
Forasmuch as it is alleadged that the Def' hath good cause of Demurrer It
is therefore ordered that the said Def' haueing A Com' shall haue lib'tie
by the said Com' to aunsweare plead or Demurre as by her Councill she
shalbe advised

*Whereas the defendant has a commission to take her answer, returnable
the next term: now, upon the motion of Mr Goddard (being one of the
defendant's counsel), whereas it is alleged that the defendant has good
cause of demurrer, it is therefore ordered that the said defendant having
a commission shall have liberty by the said commission to answer, plead
or demur as by her counsel she shall be advised.*

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Number of references ordered: 10

Item number 8

Source: Public Record Office: C 33/166 p. 628v

Title: *Chancery Orders & Decrees Trinity 10 Charles I*

25 June 1634

[*blank*] Willoughby ar' q'tem

Annam Blacker vid' Def'

Whereas the def' hath A Com' for takinge of her answeare in the Country vpon the moc'on of M^r Goddard beinge of the Def't^s Councell Forasmuch as it is alleadged that the said Def' hath good cause of Demurrer It was therefore praide that the said Def' haueinge A Com' may haue lib'tie by the said Com' to answeare plead or demurre as by her Councell she shalbe advised which this Court doth order accordinglie

Whereas the defendant has a commission to take her answer in the country: upon the motion of Mr Goddard (being one of the defendant's counsel), whereas it is alleged that the defendant has good cause of demurrer, it was therefore prayed that the said defendant having a commission shall have liberty by the said commission to answer, plead or demur as by her counsel she shall be advised: which this court does order accordingly.

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Number of references ordered: 10

Item number 9

Source: Public Record Office: C 33/167 p. 5

Title: *Chancery Orders & Decrees Michaelmas 10 Charles I*

9 October 1634

Rich. Blacker q'

Rob'tus Petty Tho. Petty et Edward Symore def'

Forasmuch as this Court was this p'nte day informed by m^r ...ingfield being of the pl't^s Councell that the said pl't having ex'ted A bill into this Court against the said Def't^s to be releived vpon a bond or writing of 200^{li} condic'oned for the payment of 100^{li} entred into to the Def' Robert Petty wch was Left in the hand^s of one Tisdale to be kept by him as an escrowe and not to be Delivered as the act and Deede of the pl't if the pl't should satisfy to the Def' Robert whatsoever should appeare to be Due vnto him vpon the pl't^s accompt to be made before one M^r Clarke in the bill named and the said Def't^s being s'ved wth A s'pa to aunswear the said bill did therevpon appeare and tooke out A Com' R the begining of the Last tearme, and the said Rob't Petty for not retourneing his aunswear sitteth an Attachm^t in contempt of this Co't as appeareth by the same shewed vnder seale and yet neu'theles sueth the pl't at the co'mon Lawe vpon the sd bond It is therefore ordered that an Iniunc'on be awarded ag^t the s'd Def' +Rob't Pettie+ his Councello^{rs} Attorneys & sollicitors to forbear to proceede any further at the como' Lawe ag^t the pl't vpon the said bond vntill the said Def' shall directly aunswear the pl't^s bill cleere his contempt and this Co't take other order to the contrarie.

Whereas this court was today informed by Mr [Bed]ingfield (one of the plaintiff's counsel) that the said plaintiff having exhibited a bill into this court against the said defendants to be relieved upon a bond or writing of £200 conditional on the payment of £100 entered into to the defendant Robert Petty, which was left in the hands of one Tisdale, to be kept by him as an escrow, and not to be delivered as the act and deed of the plaintiff, if the plaintiff should satisfy to the defendant Robert whatever should appear to be due to him on the plaintiff's account being made before one Mr Clarke (named in the bill); and the said defendant being served with a subpoena to answer the said bill, did thereupon appear and

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took out a commission returnable the beginning of last term; but the said Robert Petty, for not returning his answer, sits an attachment, in contempt of this court, as appears by the same shewed under seal; and yet, nevertheless, he sues the plaintiff at the common law upon the said bond: it is therefore ordered that an injunction be awarded against the said defendant, Robert Pettie, his counsel, attorneys and solicitors, to forbear to proceed any further at the common law against the plaintiff upon the said bond until the said defendant shall directly answer the plaintiff's bill, clear his contempt, and this court take other order to the contrary.