

FONS

Pre-1600

Number of references ordered: 5

Item number 1

Source: Public Record Office: CP 40/732

Title: *Common Pleas Hilary 22 Henry VI*

Hilary 1444

Westminster

Pl'ita apud Westm^r coram Ric'o Neuton' & socijs suis Justic' d'ni Regis de Banco de T'mino s'ci Hillar' Anno regni Regis Henrici sexti post conq'm vicesimo secundo

Pleas at Westminster before Richard Neuton and his fellows, justices of the lord king de Banco, for Hilary term in the 22nd year of the reign of king Henry the sixth after the Conquest

Wiltes'

Joh'es Atkyn' de Com' p'd'co Dyer p attorn' suu' op se iiij^{to} die v^rsus Rad'm Hendy de Noua Sar in Com' p'd'co Weuer [&] Thomam Blakker de Noua Sar in Com' p'd'co Carpenter de pl'ito q'd vt^rq' eor reddat ei quadraginta solidos Et v^rsus Joh'em Stone nup de Plympton' in Com' Deuon' Gentilman' de pl'ito q'd reddat ei viginti libras Et v^rsus Joh'em Ely de Cranborne in Com' Dors' Touker de pl'ito q'd reddat ei quadraginta solidos quos ei debent & iniuste detinent &c' Et ip'i non ven' Et prec' fuit vic' sicut prius q'd capet eos &c' Et vic' modo mand' q'd non sunt inuent' &c' I'o sicut plur' capiant^r q'd sint hic a die Pasche in xv dies¹ &c'

Wiltshire

John Atkyn of the county aforesaid dyer appeared by his attorney for a fourth day against Ralph Hendy of New Sarum in the county aforesaid wever and Thomas Blakker of New Sarum in the county aforesaid carpenter, in a plea that each of them render him 40s; and against John Stone late of Plympton in county Devon gentilman, in a plea that he render him £20; and

¹ 26 April 1444

FONS

against John Ely of Cranborne in county Dorset touker, in a plea that he render him 40s; which they owe him and unjustly withhold &c. And (the defendants) have not come; and it had been ordered the sheriff, as before, to take them &c. And the sheriff now reports that (the defendants) are not found &c. Therefore, as many times, let (the defendants) be taken, to be here on the quindene of Easter &c.

FONS

1600-1858

Number of references ordered: 10

Item number 1

Source: Public Record Office: C 33/166 p. 65v

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

25 October 1634

Anna Blacker vid' q'

Tho. Jervoise mil' def'

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

*If the defendant show no cause for stay of publication by a week from today,
then publication is granted.*

FONS

1600-1858

Number of references ordered: 10

Item number 2

Source: Public Record Office: C 33/166 p. 83v

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

7 November 1634

Ricus Blacker q'

Rob't Petty def'

The def' in respect of his pou'ry whereof Aff't & Cer' is made is admitted by the r' ho the M' of the Rolles to defend his suite in this Co't in forma paupis & M' Whitake' & M' Turner are assigned to be of his Co. & M' Evelin his Att'

The defendant, because of his poverty (of which affidavit and certificate are made) is admitted by the Right Honourable the Master of the Rolls to defend his suit in this court in forma pauperis; and Mr Whitaker and Mr Turner are appointed to be of his counsel, and Mr Evelin his attorney.

FONS

1600-1858

Number of references ordered: 10

Item number 3

Source: Public Record Office: C 33/166 pp. 110-111

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

14 November 1634

Ric'us Blacker q'

Rob'tus Petty et al' def'

Vpon opening of the matter this day by m^r Whitacre being of Councell wth the def' Petty and vpon the shewing forth an order of the 9th of Oct last whereby an Iniunc'on was awarded for staie of the Def^s proceeding^s at Lawe vpon the bond in question in that this Court was then informed that the said bond was sealed by the pl' and Delivered but as an escroll not to stand in force, And that the Def' having beene sved wth a s'pa did therevpon appeare but sat an Attachm^t for having taken a ded' pot' & not retourned his aunswaere, the Def's said Councell did notwthstanding +now+ alleadge that the Def't was never sved wth any s'pa nor gave direcc'on for his appearance at the pl't^s suite and shewed forth an Aff't made by the said def' to that effect and did also alleadge that the sd def hath put in his aunswaere & hath thereby deposed that the said bond was delivered absolutely & not as an escroll, and that the validity of the said bond hath beene tryed at the com' Lawe the last Assiss's where a verdict passed for the Def' Petty although the pl' then pleaded a speciall non est fact' vizt that he sealed the bond and delivered the same as an escroll as in the bill is sett forth It is therefore ordered that vnles the pl' shall by this day seavenight (vpon notice to his Attorney) shew to this Court good cause to the contrarie, then the said Iniunc'on is cleerely Dissolued and the Def Petty cleered of the contempt.

Upon opening of the matter this day by Mr Whitacre, being of counsel with the defendant Petty, and upon the showing forth of an order of the 9th of October last whereby an injunction was awarded for stay of the defendant's proceedings at law upon the bond in question; in that this court was then informed that the said bond was sealed by the plaintiff and delivered only as an escrow, but not to stand in force; and that the defendant having been

FONS

served with a subpoena did thereupon appear, but sat out an attachment for having taken a dedimus potestatem and not returned his answer, the defendant's said counsel did, notwithstanding, now allege that the defendant was never served with any subpoena, nor gave direction for his appearance at the plaintiff's suit; and showed forth an affidavit made by the said defendant to that effect; and did also allege that the said defendant has put in his answer and has thereby deposed that the said bond was delivered absolutely and not as an escrow, and that the validity of the said bond has been tried at the common law the last assizes, where a verdict passed for the defendant Petty, although the plaintiff then pleaded a special non est factum, viz that he sealed the bond and delivered the same as an escrow, as in the bill is set forth. It is therefore ordered that, unless the plaintiff shall by a week today (upon notice having been given to his attorney) show to this court good cause to the contrary, then the said injunction is clearly dissolved, and the defendant Petty cleared of the contempt.

FONS

1600-1858

Number of references ordered: 10

Item number 4

Source: Public Record Office: C 33/166 p. 149

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

27 November 1634

Richard Blacker q'

Robert Petty def'

Whereby an order of the 14th of this moneth It was ordered that the pl'ts Iniunc'on should be dissolved vnles the said pl't vpon notice to his Attorney should by that day sennight shewe vnto this Court good Cause to the Contrary and the Def Petty was cleered of his Contempt Vpon the opening of the matter this present day by M^r Earle and M^r Clearke being of the pl'ts Councell and vpon the reading of the said order It was alleaged that the said Def Petty hath not yet cleered his Contempt for that he hath not paid the Charges of the Attachment, and the Def'ts Aunswares are very insufficient, yet there is good matter therein apping to continue the said Iniunc'on vntyll the hearing of the Cause It is therefore ordered that S^r John Michell Kt &c' shall consider of the pl'ts bill and the Def'ts seu'all Aunswares And therevpon report to this Court whither the Def'ts Aunswares be suff't as also whither there be sufficient matter therein appearing to continue the said Iniunc'on tyll the hearing of the Cause or not Wherevpon this Co^rt will take further order, and if their Aunswares be insuff't then A S'pa is awarded against the Def'ts to make A pfect Aunsware according to the said M^{rs} report and in the meane time the said Iniunc'on is to continue and stand in force

Whereas by an order of the 14th of this month it was ordered that the plaintiff's injunction should be dissolved unless the said plaintiff (upon notice to his attorney) should by a week from that day show to this court good cause to the contrary, and the defendant Petty was cleared of his contempt: upon the opening of the matter this present day by Mr Earle and Mr Clearke, being of the plaintiff's counsel, and upon the reading of the said order, it was alleaged that the said defendant Petty hath not yet cleared

FONS

his contempt, in that he has not paid the charges for the attachment, and the defendant's answers are very insufficient, and yet there is good matter appearing therein to continue the said injunction until a hearing of the cause: it is therefore ordered that sir John Michell knight &c. shall consider the plaintiff's bill and the defendants' several answers, and report on the same to this court as to whether the defendants' answers are sufficient; as also whether there is sufficient matter appearing therein to continue the said injunction till a hearing of the cause, or not, whereupon this court will take further order; and if their answers are insufficient, then a subpoena is awarded against the defendants to make a perfect answer according to the said master's report; and in the meantime the said injunction is to continue and stand in force.

FONS

1600-1858

Number of references ordered: 10

Item number 5

Source: Public Record Office: C 33/166 p. 145

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

24 November 1634

Nicho Blacker q'

Geo: Blacker et Tho Road^s def'

Forasmuch as this Court was this p'nte daie informed by M^r Attorney gen^rall being of the Def^s Councell that although the Def^s Blacker aunswared the pl[']ts bill in Easter tearme last was 12 moneths and the other def in Trinity tearme following yet the pl['] hath not hitherto excepted to their aunswares or replied as appeareth by a Certiff['] of the Def^s Attorney now produced but hath meerey delaied his proceeding^s therein It is therefore ordered that the matter of the pl[']t^s bill be cleerly Dismissed out of this Co^rt wth .7. nobles cost^s to be paid by the pl['] to the Def[']ts

As this court was this day informed by Mr Attorney General, being of the defendant's counsel, that although the defendant Blacker answered the plaintiff's bill in Easter term last was 12 months, and the other defendant in Trinity term following, yet the plaintiff has not hitherto taken exception to their answers nor replied (as appears by a certificate of the defendant's attorney now produced) but has merely delayed his proceedings therein: it is therefore ordered that the matter of the plaintiff's bill be clearly dismissed out of this court, with 7 nobles costs to be paid by the plaintiff to the defendants.

FONS

1600-1858

Number of references ordered: 10

Item number 6

Source: Public Record Office: C 33/167 p. 428

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

31 January 1635

Ric'us Blacker q'

Rob'tus Petty et al' def'

Whereby an order of the xxvijth of No. last S^r John Michell Kt one of the M^s of this Court was to consid^r of the bill and aunsweares and to certifie what he found confessed in the aunsweares to continue the said Iniunc'on and whither the same aunsweares were sufficient or not, and in the meane time the Iniunc'on form^ly graunted was to continue in force — Forasmuch as this Court was this pⁿte daie informed by M^r Whitaker being of the Def^s Councell that the pl['] exhibited his bill into this Courte to be releived against the Def['] touching A bond wch the pl['] pretended he delivered vnto the Def['] onely as an escroll, whereas the said pl[']t having pleaded a speciall non est factu['] at Lawe vpon the triall it was proved plainely that the pl['] Delivered the said bond not as an escroll but as his act and deed and the pl['] having vpon pretence onely that the Def['] had A Com['] to aunsweare obteyned an Iniunc'on before the Def was ever served wth proc^s to aunsweare the bill (as appeareth by Afft) and having put in his aunsweare and thereby sett forth vpon oath that the pl['] did deliuer the said bond and that act as an escroll by an order of the 14th of No. last that day seavenight was giuen to the pl['] to shew cause or ell^s the Iniunc'on was Dissolved, and noe cause haueing beene shewed at the time as appeareth by a Certiff['] from the Register and so the Iniunc'on being Dissolved the pl[']t obteyned the last order of Reference onely to keepe the Iniunc'on on foote and having coulорably s^uved the Def['] wth A warrant to attend the said M^r. the Def['] having attended findeth noe excepc'ons putt in to the aunsweares before the said M^r neither did the pl['] ever attend him therein but onely delaieth the Def['] from his iust Debt for wch he hath A verdict at Lawe It is therefore ordered that the said Iniunc'on be from henceforth cleerely and absolutely Dissolued.

FONS

Whereas by an order of the 28th of November last sir John Michell knight, one of the Masters of this court, was to consider the bill and answers and to certify what he found confessed in the answers that might justify continuation of the said injunction, and whether the same answers were sufficient or not, and in the mean time the injunction formerly granted was to continue in force — As this Court was today informed by Mr Whitaker, being of the defendant's counsel, that the plaintiff exhibited his bill into this court to be relieved against the defendant touching a bond which the plaintiff pretended he delivered to the defendant only as an escrow, whereas the said plaintiff having pleaded a special non est factum at law, upon the trial it was proved plainly that the plaintiff delivered the said bond not as an escrow, but as his act and deed; and the plaintiff having, upon pretence only that the defendant had a commssion to answer, obtained an injunction before the defendant was ever served with process to answer the bill (as appears by affidavit) and having put in his answer and thereby set forth upon oath that the plaintiff did deliver the said bond and that act as an escrow, by an order of the 14th of November last a week from that day was given to the plaintiff to show cause or else the injunction was dissolved; and no cause having been shown at the time (as appears by a certificate from the Registrar) and so, the injunction being dissolved, the plaintiff obtained the last order of reference only to keep the injunction on foot; and having colourably served the defendant with a warrant to attend the said Master, the defendant having attended finds no exceptions put in to the answers before the said Master, nor did the plaintiff ever attend (the Master) thereon, but only delays the defendant from his just debt for which (the defendant) has a verdict at law. It is therefore ordered that the said injunction be from henceforth clearly and absolutely dissolved.

FONS

1600-1858

Number of references ordered: 10

Item number 7

Source: Public Record Office: C 33/167 p. 476

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

27 February 1635

Ric'us Blacker q'

Rob'tus Petty et al' def'

Vpon opening of the matter this daie before the right Ho. the Lo. Keepe by M^r Snape being of the pl^ts Councill and vpon the reading of a former ord^r of the xxxijth of January last seu^rall reasons were offered for continuance of the Iniunc'on graunted in this Cause, but this Court not approving thereof doth order that the sd former order shall stand and the Iniunc'on is Dissolued accordingly.

Upon opening of the matter this day before the Right Honourable the Lord Keeper by Mr Snape, being of the plaintiff's counsel, and upon the reading of a former order, of the 31st January last, several reasons were offered for continuance of the injunction granted in this cause, but this court not approving thereof does order that the said former order shall stand and the injunction is dissolved accordingly.

FONS

1600-1858

Number of references ordered: 10

Item number 8

Source: Public Record Office: C 33/167 p. 508

Title: *Chancery Orders & Decrees Easter 11 Charles I*

18 April 1635

Anna Blacker vid' q'

Tho. Jervoise mil' et Tho. Blacker def'

Vpon the hearing and debateing of the matter in question betweene the said pties this p'nte day in the p'nce of the Councell Learned on both sid^s, the substance of the pl't^s suite being to be admitted tenant of the messuadge and Land^s in question wherein she claimeth her widdowes estate since the Decease of William Blacker her late husband according to the custome of the Manno^r of Britford whereof the Def't S^r Thomas Jervoise is Lord and to haue recompence for the meane profit^s receaved since her said husband^s death, the Def't alleading that the graunt to the pl't^s Late husband was but in trust to the vse of William Blacker his father and that the pl't^s husband was never admitted tenant therevnto, and so the pl't (as he pretendeth) ought not by the custome to haue her widdowes estate therein, Neu^rtheles in regard it appeared vnto this Court that the coppihold land^s in question were graunted by the Def't S^r Tho. Jervoys to the pl't^s late husband about 23. yeares since wth Remainders to Thomas and Edward Blaker his brethren for their Liues, who are all since dead, and it appeares in the cobby that the admittance and fealty of the pl't^s husband was respited onely in respect of his indisposic'on of body being then sicke, donec commode laborare poterit ad eam petendam, and in the same copy A Licence is graunted to the pl't^s husband to let the land^s dureing his life and for that it also appeared by prooffe that the pl't^s husband receaved rent for the land^s in question and was called and essoyned as a coppihold^r of the p'mis's at seu'all Court^s held for the said Manno^r Therefore this Court conceiveth it fit and so ordereth that the poss'on of the messuadge and land^s in question be settled and established wth the pl' and her assignes vntill the Def' can evict the same by due course of the Como' Lawe, where, vpon an acc'on to be brought by the def' or his Lessee for the triall of the title the pl' shall p'ntely appeare and take issue

FONS

whether A widdowe of A tenant of the said Manno^r not being admitted ought by the custome to haue her Freebench or not, and at the said triall to admitt of all circumstanc^s and so the matter to receaue A triall at the next assis's held for the county of Wilt's and at the said triall the Def't shall not take any advantage in respect of the pl't^s not admittance and if A verdict shall passe for the pl' then it is ordered & decreed that the s'd def' shall forthwth admitt the pl't tenant to the messuage and land^s in question and pay vnto her all the meane proffitt^s thereof by him receaued since her said husband^s death and in the meane time vntill such triall had the tenant of the said land^s is quietly to hold and enjoy the same as tenant to the pl' paying his Rent w^{ch} shall grow due for the same to the pl't.

Upon the hearing and debating of the matter in question between the said parties today in the presence of the counsel learned on both sides, the substance of the plaintiff's suit being to be admitted tenant of the messuage and lands in question wherein she claims her widow's estate since the decease of William Blacker her late husband, according to the custom of the manor of Britford, whereof the defendant sir Thomas Jervoise is lord, and to have recompense for the mean profits received since her said husband's death, the defendant alleging that the grant to the plaintiff's late husband was but in trust to the use of William Blacker his father, and that the plaintiff's husband was never admitted tenant thereunto, and so the plaintiff (as he pretends) ought not by the custom to have her widow's estate therein: nevertheless, in regard it appeared to this court that the copyhold lands in question were granted by the defendant sir Thomas Jervoys to the plaintiff's late husband about 23 years since, with remainders to Thomas and Edward Blaker his brethren for their lives, who are all since dead, and it appears in the copy that the admittance and fealty of the plaintiff's husband was respited only in respect of his indisposition of body, being then sick, donec commode laborare poterit ad eam petendam², and in the same copy a licence is granted to the plaintiff's husband to let the lands during his life; and for that it also appeared by proof that the plaintiff's husband received rent for the lands in question and was called and essoined as a copyholder of the premises at several courts held for the said manor. Therefore this court conceives it fit and so orders that the possession of the messuage and lands in question be settled and established with the plaintiff and her assigns until the defendant can evict the same by due course of the common law, where,

² until he might conveniently come to crave it

FONS

upon an action to be brought by the defendant or his lessee for the trial of the title, the plaintiff shall immediately appear and take issue whether a widow of a tenant of the said manor not being admitted ought by the custom to have her freebench or not, and at the said trial to admit of all circumstances and so the matter to receive a trial at the next assizes held for the county of Wilts and at the said trial the defendant shall not take any advantage in respect of the plaintiff's non-admittance; and if a verdict shall pass for the plaintiff, then it is ordered and decreed that the said defendant shall forthwith admit the plaintiff tenant to the messuage and lands in question and pay unto her all the mean profits thereof by him received since her said husband's death; and in the mean time, until such trial be had, the tenant of the said lands is quietly to hold and enjoy the same as tenant to the plaintiff, paying his rent which shall grow due for the same to the plaintiff.

FONS

1600-1858

Number of references ordered: 10

Item number 9

Source: Public Record Office: C 33/169 p. 291v

Title: *Chancery Orders & Decrees Hilary 11 Charles I*

27 January 1636

Anna Blacker vid' q'

Tho Jervoyse mil' def'

Vpon opening of the matter this Daie by M^r Goddard being of the pl^t's Councill in the pⁿce of M^r Glanvill being of the Def^s Councill and vpon the reading of a former ord^r of the xvijth of Aprill last It was alleadged that in pursuite of the aforesaid ord^r the pl^t did tender a plea vnto the Def^s sollicitor or Attorney wch he refused to accept of and to make any proceeding^s at lawe wch was denied by the Def^s Councill who affirmed no Default to haue beene in the Def^r. and it was further alleadged that the poss[']on of the messuadge & land^s in question are not settled nor established wth the pl['] nor her assignes according to the said ord^r It is therevpon ordered that the 6. cleark^s not toward^s the Cause shall consid^r hereof and examine whither there hath beene A proceeding according to the form^r ord^r and in whom the Default hath beene and wherein the ord^r hath beene broken vpon whose Certiff^r therein such further ord^r shalbe taken as shalbe meete

On opening the matter today by Mr Goddard (being of the plaintiff's counsel) in the presence of Mr Glanvill (being of the defendant's counsel) and upon the reading of a former order, of the 18th of April last, it was alleged that, in pursuit of the aforesaid order, the plaintiff did tender a plea to the defendant's solicitor or attorney, which he refused to accept, or to make any proceedings at law: which was denied by the defendant's counsel, who affirmed no default to have been in the Defendant. And it was further alleged that the possession of the messuage and lands in question are not settled nor established with the plaintiff nor her assigns according to the said order. It is thereupon ordered that the Six Clerks not involved in this case shall consider thereof and examine whether there has been any proceeding according to the former order, and in whom the default has

FONS

been, and wherein the order has been broken; upon whose certificate thereon such further order shall be taken as shall be meet.

FONS

1600-1858

Number of references ordered: 10

Item number 10

Source: Public Record Office: C 33/173 pp. 93-94

Title: *Chancery Orders & Decrees Michaelmas 13 Charles I*

Michaelmas 1637

Anna Blacker vid' q'

Tho Jervoyse mil' et Tho. Blacker def'

Whereas vpon hearing of this cause the 18th of Aprill xj Car' R^{s3} the matter was left to be tried at the Como' Lawe vpon the issue by the order directed and if a verdict should passe for the pl't then it was ordered and Decreed that the def' should forthwth admitt the pl't Tenant to the messuadge and land^s in question and pay vnto her all the meane proffitt^s thereof by him receaued since her husbands death And where in pursuite of the aforesaid ord^r the def' declared at law ag^t the pl', and therevpon the pl't did tend^r vnto the Def's soll^r or Attorney a plea of not guilty wch he refused to accept of conceiving the same not to be according to the ord^r taken vpon the hearing, and to make any proceede at Law. And it being referred by ord^r of this Court of the 27th of January xj Car'⁴ to the Sixe cleark^s not toward^s the cause to consider & examine whether there had beene a proceeding according to the said ord^r vpon hearing and in whom the fault hath beene and wherein the order had beene broken they made Certiff^r the xth of Febr' followinge that they found vpon exa'iacon of the matter that by the def^s Default in not Delivering poss'on to the pl't or accepting of a plea from +her+ there hath not beene a proceeding according to the ord^r vpon hearing nor hath the Def' as yet delivered the poss'on, neither is there any order in this Co't since the said Certiff^r of the cleark^s wherefore it is ordered by this Court vpon the moc'on of M^r Robert Hide of Councill wth the pl' in the p'nce of M^r S^t Glanvill of Councill wth the Def' that an Iniunc'on do now issue to put the pl't into the peaceable and quiet possession of the p'mis's and A +Com'+ or Writ of Assistance is awarded to the sherriff of the Countie of Wilt^s where the lands Doe lie to see the pl't settled and from time to time quieted in the possession

³ 18 April 1635

⁴ 27 January 1636

FONS

as often as any interrupc'on shalbe therevnto offered and the pl't may take an Attachment against the tenant of the Lands for breach of the said order, and the pl't is to tender another plea according to the direcc'on of the order vpon hearing, that so forthwth a proceeding maie be had according to the order vpon hearing

Whereas, on hearing this cause the 18th of April in the 11th year of king Charles the matter was left to be tried at the common law upon the issue by the order directed, and if a verdict should pass for the plaintiff then it was ordered and decreed that the defendant should forthwith admit the plaintiff tenant to the messuage and lands in question and pay to her all the mean profits thereof by him received since her husband's death; and whereas in pursuit of the aforesaid order the defendant declared at law against the plaintiff, and thereupon the plaintiff did tender to the defendant's solicitor or attorney a plea of not guilty, which he refused to accept, conceiving the same not to be according to the order taken upon the hearing, and (refused) to make any proceeding at law; and it being referred by order of this court of the 27th of January 11 Charles to the Six Clerks not involved in this case, to consider and examine whether there had been a proceeding according to the said order upon hearing, and in whom the fault has been, and wherein the order had been broken, they made certificate the 10th of February following that they found, upon examination of the matter, that by the defendant's default in not delivering possession to the plaintiff or accepting a plea from her, there has not been a proceeding according to the order upon hearing, nor has the defendant as yet delivered the possession, neither is there any order in this court since the said certificate of the Clerks: wherefore it is ordered by this court upon the motion of Mr Robert Hide of counsel with the plaintiff, in the presence of Mr Serjeant Glanvill of counsel with the defendants, that an injunction do now issue to put the plaintiff into peaceable and quiet possession of the premises and a commission or writ of assistance is awarded to the sheriff of the county of Wilts (where the lands do lie) to see the plaintiff settled and from time to time quieted in the possession as often as any interruption shall be thereto offered and the plaintiff may take out an attachment against the tenant of the lands for breach of the said order, and the plaintiff is to tender another plea according to the direction of the order upon hearing, that so forthwith a proceeding may be had according to the order upon hearing.