

# FONS

1600-1858

Number of references ordered: 5

Item number 1

Source: Public Record Office: C 33/162 p. 537

Title: *Chancery Orders & Decrees Easter 8 Charles I*

28 May 1632

Ric'us Wheatley q'

Edrus Blake<sup>f</sup> et al' def'

Forasmuch as the R<sup>t</sup> ho<sup>'ble</sup> the Lord keep was this p<sup>r</sup>sent day informed by M<sup>r</sup> Rogers being of the pl<sup>'</sup> Councill that the pl<sup>'t</sup>s<sup>s</sup> suyte is to be releiued vpon a Counterbond of 300<sup>li</sup> wherein the pl<sup>'</sup> became bound to the def<sup>'</sup> Blaker w<sup>ch</sup> the def<sup>'t</sup> hath put in suyte at the Co'mon Lawe & endeauoureth to take aduantage thereof being of so great a penalye yet by his aunswere he confessed that he hath been damnified but a matter of 40<sup>s</sup>. in respect of the principall bond for w<sup>ch</sup> the said Counterbond was giuen but the def<sup>'t</sup> would hedge in a debt of 12<sup>li</sup> p<sup>r</sup>tended to be due vnto him from the pl<sup>'</sup> for Oxen sold to the pl<sup>'</sup> & an other debt of 12<sup>li</sup> 10<sup>s</sup>. wch he p<sup>r</sup>tendeth he lent the pl<sup>'te</sup>. It is therefore ordered by his Lo:<sup>p</sup> that S<sup>r</sup> Ed: Salter Kt one &c' shall Consider of the bill & answere & yf he shall find & certefy that the def<sup>'t</sup> hath been damnified by his owne Confession but 40<sup>s</sup> & that there was no agreem<sup>t</sup> between the pties for hedging in of the s<sup>'d</sup> debts of 12<sup>l</sup> & 12<sup>l</sup> 10<sup>s</sup>. vpon the s<sup>'d</sup> Counterbond. Then an Iniunc<sup>'on</sup> is awarded for stay of the def<sup>'t</sup>s further p<sup>r</sup>ceedings at Law vpon the s<sup>'d</sup> Counterbond in question vntill the hearing of the Cause in this Co<sup>'t</sup> or other order taken to the Contrary.

*Whereas the Right Honourable the Lord Keeper was today informed by Mr Rogers (being one of the plaintiff's counsel) that the plaintiff's suit is to be relieved upon a counterbond of £300 wherein the plaintiff became bound to the defendant Blaker, which counterbond the defendant has put in suit at the common law and endeavours to take advantage thereof (being of so great a penalty), and yet by his answer the defendant has confessed that he has lost only 40s in respect of the principal bond for which the said counterbond was given; but the defendant wishes to include a debt of £12 pretended to be due to him from the plaintiff for oxen sold to the plaintiff, and another £12 10s that he pretends he lent the plaintiff. It is therefore ordered by his Lordship that sir Edward Salter*

# FONS

*knight (one of the masters of this Court) shall consider the bill and report; and if he shall find and certify that the defendant (by his own confession) has lost only 40s, and that there was no agreement between the parties to include the £12 and the £12 10s in the said counterbond, then an injunction is awarded for stay of the defendant's further proceedings at law on the said counterbond, until the hearing of the cause in this court, or other order taken to the contrary.*

# FONS

1600-1858

Number of references ordered: 5

Item number 2

Source: Public Record Office: C 33/164 p. 277v

Title: *Chancery Orders & Decrees Hilary 8 Charles I*

9 February 1633

Ric'um Wheately gen' q'tem

Edrum Blaker et al' de

Vpon opening of the matter this p'nte daie by M<sup>r</sup> Rogers beinge of the pl't<sup>s</sup> Councill and vpon the readinge of an Aff't made by the pl't by wch it appeareth that the said pl' haueing appointed the tenth daie of January last to execute a Com' for exami'con of witnes's in this Cause and the pl't attendinge the same daie with his witness the def Edward Blaker caused the pl't to bee arrested at his owne suite in the place where the Comrs then did sitt there by to hinder the execucon of the said Com' It is therevpon ordered that an Att bee awarded agt the said def' Edward Blaker to thend hee may bee examined vpon Interr's towching the said contempte

*Upon opening of the matter today by Mr Rogers (one of the plaintiff's counsel) and upon reading an affidavit made by the plaintiff, by which it appears that the said plaintiff, having appointed 10th January last to execute a commission for examination of witnesses in this cause, and the plaintiff attending the same day with his witness, the defendant Edward Blaker caused the plaintiff to be arrested at his own suit in the place where the Commissioners were then sitting, so as to hinder the execution of the said Commission: it is thereupon ordered that an attachment be awarded against the said defendant, Edward Blaker, so that he may be examined on interrogatories with regard to the said contempt.*

# FONS

1600-1858

Number of references ordered: 5

Item number 2

Source: Public Record Office: C 33/164 p. 274

Title: *Chancery Orders & Decrees Hilary 8 Charles I*

7 February 1633

Ric'um Wheately q'tem

Ed'rum Blaker def'

Forasmuch as it appeareth by the Aff't of Roger Coby gent that the Def' hath by diuers witnes's yet to examine wch they could not produce to bee exami'ed at the last Com' executed in this Cause It is therefore ordered vpon the moc'on of Mr Sambatch beinge of the def'ts Councell that the def' may renewe the Com' r' the first retorne of the next tearme and then publ' is to passe wch in the meane tyme is staid

*Whereas it appears by the affidavit of Roger Coby gentleman that the defendant has by various witnesses yet to examine, who they could not produce to be examined at the last commission executed in this cause: it is therefore ordered (upon the motion of Mr Sambatch, one of the defendant's counsel) that the defendant may renew the commission, returnable the first return of next term; and then publication is to pass, which in the mean time is stayed.*

