

SUMMARY: The documents below are the bill of complaint of Oxford's former servant, Israel Amyce, and the answer of Dorothy Breamer, concerning payment of £98 4s for velvets and silks which were received by Israel Amyce on Oxford's behalf from Dorothy Breamer's late husband, Nicholas Breamer, mercer. According to Amyce, the velvets and silks were fully paid for at the time by Oxford's servant and solicitor, Robert Sharpe, who was charged with securing an acquittance for the payment, but neglected to do so. The National Archives dates the bill of complaint to 1587, and the purchase, which is stated to have occurred 'five years now past', was therefore made in 1582. Since then, both Nicholas Breamer and Robert Sharpe have died, and Dorothy Breamer has commenced an action against Israel Amyce in the common law courts since it was Amyce who received the velvets and silks in question, and the alleged debt remained uncanceled in Nicholas Breamer's books of account at his death. Amyce's bill of complaint in the Court of Chancery asks that Dorothy Breamer's action in the common law courts be stayed since he has no defence at common law, and for Dorothy Breamer to obtain payment for the velvets and silks a second time would be inequitable. The outcome of the case is unknown.

A Nicholas Breamer was assessed for the subsidy at £50 in 1582 (see '1582 London Subsidy Roll: Cordwainer Ward', *Two Tudor subsidy rolls for the city of London: 1541 and 1582* (1993), pp. 199-203, available online).

The names of both Israel Amyce and Robert Sharpe appear in TNA C 147/152 as witnesses to livery of seisin of Oxford's manors of Overhall and Netherhall on 16 December 1583.

A few lines of text are obscured by folds in the document. The missing text has been supplied in square brackets in the transcript below.

LM: Huberd

To the right honourable Sir Christopher Hatton, knight, Lord Chancellor of England

In most humble wise complaineth & showeth unto your good Lordship your daily orator, Israel Amyce of Tilbury in the county of Essex, esquire, late servant to the right honourable Edward de Vere, Earl of Oxenford, [+that?] whereas the said Earl about five years now past did buy and had of one Nicholas Breamer, late of London, mercer, now deceased, velvets and silks as did amount and come to the sum of fourscore & eighteen pounds & four shillings, which said velvets [+ & silks?] your said orator, being then servant unto the said Earl, did take and receive of the said Nicholas Breamer to the use of the said Earl, and afterwards the said sum of £98 & four shillings was well and truly satisfied, contented and paid [+by?] the said Earl unto the said Breamer, and upon the payment thereof the said Earl willed and commanded one Robert Sharpe, then also [+his?] Lordship's servant and solicitor, now deceased, to take & receive of the said Nicholas

Breamer all such bonds, bills, escripts and writings, & all such assurance as he, the said Breamer, had for his security mentioning the said debts and sums of money paid for the said silks & velvets which were received by your said orator to his Lordship's use, as also to see the said Breamer's books and reckonings making mention thereof to be discharged & crossed;

Notwithstanding, the said Robert Sharpe, negligently detracting the time, & having no especial care to see the same done accordingly, but as it should seem reposed a great trust in the said Breamer for the crossing of his books, and so suffered the books of the said Breamer mentioning the delivery of the said velvets & silks to remain in the hands of the said Breamer uncanceled & undefaced, neither did take any acquittance of the said Breamer testifying the receipt thereof, nor yet did make any note or remembrance of the payment of the said sum of fourscore and eighteen pounds & four shillings in the said Breamer's books according to the trust reposed in him, the said Sharpe;

And afterwards the said Breamer died intestate, leaving his said books of reckoning, scripts & writings testifying the receipt of the said velvets & silks undefaced, after whose death th' administration of all and singular the goods and chattels & debts of the said Breamer was committed unto Dorothy Breamer, his late wife, who taking upon her th' administration of the same accordingly, and having her late husband's said books, escripts and writings in her custody, and knowing the said Robert to be dead, and also finding no mention to be made of the payment of the said money in her books of account, but that the day & time doth most manifestly appear in the same when the said velvets and silks were delivered unto your said orator to the use of the said Earl, the said Dorothy Breamer, notwithstanding that she was advertised that her late husband was well and truly satisfied & paid for the same silks & velvets by the said Sharpe, hath contrary to all equity and good conscience commenced her suit for the said sum of fourscore and eighteen pounds & four shillings against your said orator at the common law, who for want of sufficient proof to testify the payment of the said money by reason that the said Robert Sharpe, who paid the same, is now dead, and your said orator altogether ignorant who were then present at the payment thereof, the said Dorothy Breamer is very like to recover the said whole sum of fourscore & eighteen pounds & four shillings against your said orator;

For reformation whereof, and forasmuch as your said orator is without remedy by the order of the common laws of this realm, may it therefore please your good Lordship, the premises tenderly considered, to grant unto your said orator the Queen's Majesty's most gracious writ of subpoena to be directed unto the said Dorothy Breamer, commanding her thereby personally to appear before your good Lordship in her Majesty's High Court of Chancery at a certain day and under a certain pain therein to be limited, then & there to answer unto the premises, and further to grant unto your said orator the Queen's Majesty's most gracious writ of injunction to be directed unto the said Dorothy Breamer, her counselors, solicitors and attorneys & every of them, commanding them & every of them thereby under a certain pain therein to be limited by your good Lordship to surcease & stay her said suit at the common law, & not to proceed any further therein until such order and direction herein shall be taken by your good Lordship as shall seem best to

stand with equity & good conscience, and your said orator shall daily pray unto Almighty God for the long preservation of your Lordship's estate in honour long to continue.

I(?) Tyffyn

LM: [illegible]

The answer of Dorothy Breamer, widow, defendant, to the insufficient bill of complaint of Israel Amyce, esquire, complainant

The said defendant by protestation, not confessing or acknowledging any thing or matter in the said insufficient bill of complaint contained material to be answered unto by this defendant to be true, for answer thereunto and for full declaration of the truth of the matters therein contained saith that very true it is that after the death of Nicholas Breamer, this defendant's late husband in the bill named, th' administration of all the goods, chattels and debts of the said Nicholas was committed unto the said defendant, and this defendant for further answer thereunto saith that she, this defendant, knowing that her said husband had in his lifetime commenced his suit against the said complainant for the said debt in the bill mentioned, and that her husband departed this life & mortally died, the suit being not finished but then hanging, and further finding the book of debts of her said husband wherein this debt was amongst other his debts uncanceled, undefaced and not crossed, nor yet finding any note, writing or escript to certify or witness the receipt thereof, she, this defendant, hath commenced her suit against the said complainant at the common law for the recovery of the said debt, as well & lawful is for her to do to her knowledge;

Without that that the said sum of fourscore and eighteen pounds & four shillings or any part thereof was well and truly satisfied, contented and paid by the said Earl in the bill nominated unto the said defendant's said husband in his lifetime to this defendant's knowledge in such manner & form as in the said bill is alleged;

And without that that any other matter or matters, thing or things, whatsoever material or effectual in law to be answered unto by this defendant & not in this answer sufficiently traversed or denied, confessed & avoided, is true;

All which matters this defendant is ready to aver & prove as this honourable Court shall award, and prayeth to be dismissed out of the same with her reasonable costs and expenses in this behalf most wrongfully sustained.

Thomas Owen