

SUMMARY: The documents below are a bill of complaint brought in the High Court of Chancery by Anne Wriothesley (born 1508?), sister of Thomas Wriothesley (21 December 1505 – 30 July 1550), 1st Earl of Southampton, against the Earl's widow, Jane Wriothesley, Countess of Southampton, together with the Countess' answer.

For the will of Thomas Wriothesley, 1st Earl of Southampton, see TNA PROB 11/34/154.

It was not known until this lawsuit was noticed by the author of this website that the 1st Earl of Southampton had two sisters named Anne. The elder Anne Wriothesley appears to have been born in 1508, and is the complainant in the document below. She married firstly Robert Britton, and secondly, Thomas Morrene. The younger Anne Wriothesley (d.1610) married firstly Thomas Knight (d.1548), and secondly Sir Oliver Lawrence.

Anne Wriothesley's first husband, Robert Britton, appears to have died in 1556. See Hampshire Record Office 21M65/D3/5 at:

<http://calm.hants.gov.uk/Record.aspx?src=CalmView.Catalog&id=21M65%2fD3%2f57&pos=4>.

The bill of complaint can be dated between 1564, the year in which Sir Edmund Peckham died, leaving the Countess of Southampton as the 1st Earl's sole surviving executor, and 1579, the year of Sir Nicholas Bacon's death.

To the right honourable Sir Nicholas Bacon, knight, Lord Keeper of the Great Seal of
England

1 In most humble wise complaining showeth unto your good Lordship your poor & daily oratrix, Anne Morryne of Beaulieu in the county of Southampton, widow, late wife of Thomas Morrene of the same place(?) and county, gentleman,

2 deceased, that whereas one Sir Thomas Wriothesley, knight, late Earl of Southampton, deceased, was in his lifetime lawfully possessed as well of & in one lease for term of certain years then enduring of the parsonage of Fareham in

3 the said county, as also of & in divers other goods, chattels & debts amounting in th' whole to the sum of 4 thousand pounds of good & lawful money of England & better, and being so possessed the 21st day of July in the

4 fourth year of the reign of our late Sovereign Lord King Edward the 6th, brother of our Sovereign Lady the Queen's Majesty that now is, made his last will & testament, & by the same, as well for the natural zeal, goodwill and

5 affection which he then bare unto your said oratrix, then being his own natural sister, as also for divers & sundry other good & reasonable causes & considerations him, the said Earl, thereunto especially moving, did give and bequeath unto your

6 said oratrix all that his said lease for years which he then had to come of & in the said rectory & parsonage of Fareham, and by the same last will also did give & bequeath unto your said oratrix the sum of one hundred pounds of good &

7 lawful money of England, and further by the same his said last will & testament did ordain & make the Lady Jane, then his wife, Countess of Southampton, Sir Edmund Peckham & Sir Thomas Pope, knights, William Stamford, esquire,

8 & William Pye, clerk, his executors, and to th' intent his said executors should not leave neither debt nor legacy unpaid he also devised & bequeathed unto his said executors for & towards the payment of his debts & performance of his will

9 & the payment of such pensions as they should stand charged withal for the term of 16 years next after his death these manors, lands & tenements hereafter following, that is to say, the manors of Swanwick & Dogmersfield,

10 th' whole manor or close of Beaulieu, the manors of Upton, East Stratton, West Stratton & Hook Valence in the said county of Southampton & the reversions & rents of the same with th' appurtenances during the said term

11 of 16 years, together with th' whole profits of the farm of Swythams Barton by Winchester & the profits of Anthony Rushe's lands, son & heir of Arthur Rushe, deceased, during the minority of the said Anthony Rushe,

12 saving £20 yearly which he willed his cousin Cutler should enjoy towards Rushe's finding & his pains in looking to his things, that is to say, £10 for thone & £10 for thother, the rents & profits & commodities of

13 which said manors been of the clear yearly value of £400 by year over & above all charges & reprises; And furthermore to th' intent aforesaid by the said last will & testament he did further give & bequeath unto his said

14 executors & to their heirs his two houses with th' appurtenances situate, lying & being in Cannon Row in Westminster in the county of Middlesex upon condition that they, his said executors, should sell the same in such

15 convenient time as they might, and the money thereof coming should also employ & bestow towards the payment of his said debts & legacies; And within short time after he, the said Earl, died, by & after whose death the said

16 Jane, Lady Countess Southampton, Sir Edmund Peckham & Sir Thomas Pope, knights, William Stamford, esquire, & William Pye, clerk, took upon them as executors th' execution of the said last will

17 & testament of the said Earl, & approved the same in due form of law before (blank), then Archbishop of Canterbury, as by the said last will & testament more at large it doth & may appear;

18 And afterwards the said Sir Edmund Peckham, Sir Thomas Pope, knights, William Stamford, esquire, & William Pye, clerk, died, & th' whole goods, chattels, debts & other commodities aforesaid devised, being above

19 the value of ten thousand pounds came to th' hands of the said Lady Jane, & afterwards the said Lady Jane assigned unto the said Robert Britton, gentleman, deceased, then husband unto your said oratrix, & unto your

20 said oratrix the said rectory & parsonage of Fareham with th' appurtenances, by force whereof they entered therein & were thereof lawfully possessed accordingly, & they, so being thereof possessed, the said Robert Britton

21 & your said oratrix at the special request & desire of the said Lady Jane by poll [=a deed made and executed by one party] only did demise & lease the same unto her, the said Lady Jane & her assigns, for term of life of the said Robert Britton,

22 yielding & paying therefore yearly during the said term unto the said Robert Britton & your said oratrix, their executors & assigns, 5 quarters of wheat & 5 quarters of barley malt & 4 pounds in money

23 payable yearly at the feast of St Michael th' Archangel & th' Annunciation of Our Blessed Lady St Mary the Virgin by even portions, by force whereof the said Dame Jane into the said rectory & parsonage

24 with th' appurtenances did enter & was thereof lawfully possessed accordingly, and she so being thereof possessed continued thereof possessed by the space of 5 years or thereabouts, & paid the said rent accordingly, and afterwards, that

25 is to say, after the feast of th' Annunciation of Our Blessed Lady St Mary the Virgin then next following, the said Robert Britton died, at which time the said Lady Jane was then indebted & did owe unto the said Robert

26 & unto your said oratrix 5 quarters of wheat & barley malt & 40s in money for one other half year's rent of the said rectory & parsonage, which said rectory or parsonage was then worth 5s(?) & above the said yearly

27 rent [+of?] 40 marks [NOTE: £40 in line 22] by year & better, and for payment of the said rent so being behind, the said Lady Jane hath made faithful promise unto your said oratrix with sufficient sureties to become bounden by deed obligatory

28 unto your said oratrix; And whereas also the said late Earl by the name of Sir Thomas Wriothesley of Titchfield in the county of Southampton, knight, by his indenture of lease under his hand & seal bearing

29 date the 12th day of September in the 35th year [=12 September 1543] of the reign of our late Sovereign Lord of famous memory King Henry th' Eight, father unto our said Sovereign Lady the Queen's Majesty that now is, made between the same

30 Earl of thone party and Robert Britton & Anne, his wife, now your said oratrix, & Richard Britton & John Britton, children to the said Robert & Anne, of thother party, did demise, grant & to farm let unto the said Robert & Anne,

31 his wife, & Richard & John, their children, all that his corn watermill of Segenworth with all manner of buildings, houses & other implements, necessaries, commodities & profits thereunto belonging or appertaining, to

32 have & to hold the said mill, building & all other the premises with their appurtenances unto the said Robert & Anne, his wife, & to their children, Richard & John, & to the longest liver of them, from the feast of the Nativity of Our Lord

33 last past before the date of the said indenture unto th' end & term of 40 years then next following if any of them should happen so long to live, by which said deed indented the said late Earl did covenant also with your said oratrix to

34 find millstones & waterworks on th' east part of the river to the said mill appertaining, & also to repair, maintain & uphold the said mill in timber-work at the costs & charges of the said Sir Thomas, his heirs, executors or

35 assigns as often as need should require during the said term, as by the said indenture amongst other things in this most honourable court ready to be showed more at large it doth & may appear; So it is, right honourable Lord, that sithence the death

36 of the said late Earl, notwithstanding promise of payment & recompense of the premises hath been made by the said Lady Jane unto your said oratrix, yet indeed there hath no part of the said legacies or any other the duties aforesaid been paid or answered unto your said oratrix but only the lease of the said rectory & £20 in money; And notwithstanding your Lordship's said

37 oratrix hath divers & sundry times in most gentle & friendly manner of late required & desired the said Lady Jane to deliver unto your said oratrix £80, being the residue of the said sum of £100 to her bequeathed according

38 to the true intent & meaning of the said last will made by her said late husband, and notwithstanding also that your said oratrix hath also divers & sundry times in most gentle & friendly manner sithence the death of the

39 said Robert Britton required the said Dame Jane to pay unto your said oratrix the said 5 quarters of wheat and barley malt and 40s in money due unto your

40 said oratrix at the time of the death of the said Robert for the said half year's rent of the said rectory and parsonage, and also to find millstones and waterworks

41 in the east part of the river to the said mill appertaining, and to repair and maintain the said mill in timber-work at her own proper costs and charges as

42 in right she is bounden to do, which said millstones and other reparations aforesaid have cost your said oratrix to the value of £50 and more, yet that to do

43 hath(?) the said Lady Jane, notwithstanding she hath goods and other profits which came to her hands by the said last will to the clear value of two thousand

44 pounds and better, over and above all legacies, debts and duties which she is charged as executrix to pay, hath not only always hitherto utterly

45 refused and denied, but hath by paying debts not due and other indirect means, as your said oratrix is informed, brought to pass that the property

46 (illegible) &(?) goods & chattels as remain in her hands of the said Earl been altered & changed whereby your said oratrix is likely to lose her said legacies(?) & other

47 (illegible), contrary to all right, equity & good conscience, and to th' utter impoverishment and undoing of your said poor oratrix forever unless your Lordship's

48 honourable aid and assistance been to her in this behalf favourably extended & showed; In tender consideration whereof and forasmuch as your said oratrix

49 hath no ordinary remedy for due recovery of the premises by the order and course of the common laws of this realm, and forasmuch also as your said

50 oratrix is a very poor woman and hath not wherewithal to continue in suit at the common law with the said Lady Jane, being a woman of great

51 power and ability within the said county, neither yet hath any mean whereby to compel her, the said Lady Jane, to make satisfaction of the said

52 premises, and so remediless forever unless your Lordship's honourable aid and assistance been to her in this behalf favourably extended & showed, if may

53 therefore please your good Lordship, the premises tenderly considered, to grant forth the Queen's Majesty's most gracious writ of subpoena

54 to be directed to the said Lady Jane, Countess of Southampton, commanding & enjoining her by virtue thereof at a certain day and under a certain pain

55 therein by your good Lordship to be limited personally to be and appear before your good Lordship in the said High Court of Chancery, then & there

56 to answer to the premises and further to stand to and abide such (illegible) order and direction therein as by your Lordship & the said High Court

57 of Chancery shall in that behalf be thought meet & convenient, and your Lordship's said oratrix according to her most bounden duty shall

58 daily(?) pray to God for the prosperous estate of your good Lordship that in much honour and felicity you may long continue.

Lottisham(?)

The answer of the Lady Jane, Countess of Southampton, defendant, to the bill of complaint of Anne [crossed out: Morreyn] Mvrryc(?)

1 The said defendant, not knowledging to be true any such value (illegible) or other things or matters as in the said bill

2 of complaint are contained to be effectual or material to be answered unto, and saving always

3 the advantage of exception to th' insufficiency of the said bill of complaint, for answer

4 the said defendant saith that as well for that touching the pretended demand of such

5 arrearages of the rent of the rectory or parsonage of Fareham as in the said bill are surmised,

6 if the same were true, as the same is not true(?), an ordinary action of debt is and ought to be

7 pursued at the common law and not in this honourable court; And for that touching the said

8 four score pounds, residue of the said one(?) hundred pounds legacy, if the same likewise were

9 true and ought to be satisfied by the defendant (illegible) for the same, being a legacy
[page torn] personal, the ordinary suit in that behalf

10 doth belong to th' ecclesiastical court and not to this honourable court; As also for that

11 touching the reparations of the said corn mill in the said bill mentioned, if such
(illegible) of

12 charge in that behalf as in the said bill of complaint is surmised were or ought to be

13 against th' executors of the said late Earl of Southampton, as indeed and truth
(illegible) is not,

14 the same by ordinary action of covenant is to be pursued at the common law by action

15 of covenant, and not in this honourable court; Therefore and for other causes in the

16 said bill of complaint apparent, the said defendant demurreth in law and demandeth
judgment of the

17 insufficiency of the said bill of complaint, and prayeth to be dismissed with her

18 costs for her wrongful vexation in this behalf sustained.

Manwood