

SUMMARY: The documents below are two sets of interrogatories to be administered on Oxford's behalf in a Star Chamber suit in 1587/8 against Richard Payne, Edward Berthelet, Anthony Berthelet, John Lennard, William Stamford and Richard Whalley. See <http://discovery.nationalarchives.gov.uk/details/r/C5377023>.

For background to the suit see TNA STAC 5/O3/35 on this website.

Interrogatories to be ministered to Richard Payne, esquire, Edward Berthelet, gentleman, & Anthony Berthelet, gentleman, & either of them, on the behalf of the right honourable Edward de Vere, Earl of Oxenford

1 Imprimis, whether was there not a suit long depending between one Robert Harris, gentleman, & Anne, his wife, or one of them, & you, the said Richard Payne, in the High Court of Chancery for and concerning the same lease of the said manor of Alvethley [=Aveley] mentioned in the bill of the complainant now in question between the said complainant & the said Richard Payne? And whether did not the same Robert Harris derive down his title in the same suit unto him amongst other things by virtue of th' outlawry pronounced against the said John Ellyott upon the said writ of exigent now in question? And whether were you not then a dealer & well acquainted with the same suit in the behalf of the said Richard Payne, and whether did the same Richard Payne or any other of his counsel at any time during that suit go about to impeach or avoid the title of the said Robert Harris and Anne, or either of them, in & to the same lease by reason that the same outlawry was not justly and duly pronounced against the said John Ellyott? And what was the reason why the said Richard Payne did not so do if the outlawry against the said John Ellyott upon the said writ of exigent were not then duly pronounced against the said John Ellyott?

2 Item, what is the reason or what did move you more now at or against the time of the trial in the King's Bench to look & examine the validity of the same outlawry and in what sort & manner the judgment was pronounced upon the said writ of exigent against the said John Ellyott than it did during all the same time the suit was so long depending between the said Robert Harris & you, the said Richard Payne, in the Chancery?

3 Item, how long is it sithence you did last see the same writ of exigent now in question, and at what time did you first see it, & in what place & in whose custody was it then, and upon what occasion did you see it? And whether did you or any other to your knowledge will or command any other body than yourself to go and see it, and at what time was it, and by whose counsel or persuasion was the same, & in what sort was the same writ of exigent when you did first see it, and whether was it in such sort when you did last see the same as it was at your first sight thereof? And whether did not you or some other to your knowledge the very night or in the afternoon next before the cause was to be heard in the King's Bench will that the same writ of exigent should be looked into to see if that the last county wherein the judgment of outlawry was pronounced against the said John

Ellyott were not held within less than one month next after the county next precedent, and who was the party that gave that advice, and who was sent to make that search, and at what time was he sent, and what answer did he bring back, and what was the cause that should at that time rather move you or he that gave that advice than before to make any such speedy search for the same? And whether did not you or some other to your knowledge who gave that advice afterwards say that even as it was thought, so it fell out, or words to that effect?

4 Item, whether do you not know that the same writ of exigent now in question was carried either solely alone or in a bundle amongst others either the same morning in the which the said trial was to be had in the King's Bench or at some other time before that day to Sergeants Inn in Chancery Lane and to the Inner Temple, or either of them, or to some other place in or near about London, and there showed to some such as the said Richard Payne or some other for him did direct & appoint, and to whom was the same so carried or showed & by whose direction or appointment, and by whom was the same so carried or showed and at what time and at whose request?

Interrogatories to be ministered to John Lennard, esquire, William Stamford and Richard Whalley, gentlemen, and either of them, defendants, at the suit of the right honourable Edward de Vere, Earl of Oxenford

1 Inprimis, whether did you know or have you heard of any suit depending either in the King's Bench or Chancery between the now complainant or John Reade, his lessee, or one Robert Harris, gentleman, or Anne, his wife, or either of them, and Richard Payne, esquire, now one of the defendants, for and concerning the lands & tenements mentioned in the bill of the complainant before the day when the jury did appear in the King's Bench for the trial thereof, & how or by what means did you know or hear of the same, & how long is it sithence you did first know or hear thereof?

2 Item, whether did there anybody at any time before such time as you were spoken unto by the attorney of the complainant for the making of an exemplification of the exigent mentioned in the complainant's bill use any speech or conference with you in or about the same writ or any other writs of the same bundle, and who was the same party, and at what time was it, & upon what occasion did he so?

3 Item, when was the first time that you did see the same writ of exigent against the said John Ellyott mentioned in the complainant's bill, & in what place was it, & in whose hands then was the same, and whether was the same then in all points as it was at the time of the showing forth of the same to the jury at the King's Bench bar in Easter term last, yea or not [sic]?

4 Item, whether be there not divers other writs of exigent or proclamation yet remaining upon the same bundle & upon the same return directed to the same sheriff of Middlesex unto whom this writ of exigent now in question was likewise directed, and whether it was

not returned by the said then sheriff of Middlesex upon the back of the said writs that the last county whereupon the coroners did give judgment of outlawry against the defendants named in the said writs of exigent was holden at New Brainford [=Brentford?] within the said county of Middlesex upon the said xxjth [=21<sup>st</sup>] day of November mentioned in the said bill of the now complainant?

5 Item, whether did you yourself make any exemplification of the same writ of exigent now in question, or do you know of any exemplification made thereof, and who made the same, and when was it made, and whether did you at such time as the said exemplification was made see any copy of the said writ of exigent in paper, & of whose handwriting was the same copy, and whether was not the same copy the handwriting of William Forrest, deceased, and how do you know it to be his handwriting? And whether was the said William Forrest any of the clerks in the office of the said *custos brevium*, and what place did he there supply, and how long is it sithence the death of the said William Forrest, and whether do not you certainly know, or at the leastwise verily think in your conscience, that the same writ of exigent now in question was put upon the files or bundle in the said office of *custos brevium* at such time as the said William Forrest did make the same copy, and that the same writ was then fully agreeing with the said copy, or whether did he use to make any copies of writs disagreeing from the writ itself?

6 Item, whether do not you know or certainly remember that the county court wherein the judgment of outlawry was pronounced against the said John Elliott upon th' exigent now in question is written in the said copy to be the xxjth day of November, being written thus (xxj) short with two (xx) and one j?

7 Item, whether did now [sic?] you, after such time as the same exemplification was written, examine the same with the said writ of exigent now in question, and who did then help you to examine the same, and whether did not the same exemplification then agree with the said writ of exigent and return thereof to your certain knowledge or as you remember, or else why did you otherwise exemplify the same or suffer the same so to be exemplified, and for what cause did you bring or cause to be brought the said writ of exigent now in question from the said chapel of St. Stephens, and whether was it not to th' intent you should be assured that the same should rightly be exemplified?

8 Item, who or what persons to your knowledge or remembrance did see or handle the same writ of exigent now in question after such time as it came from the said St. Stephens chapel until such time as it was showed forth before the judges in the King's Bench, and where did it by all that time remain, and who had the keeping thereof both during that time and also whilst it was in St. Stephens chapel, and whether did not Richard Payne, esquire, Edward Berthelet, Anthony Berthelet and Richard Masterson, gentlemen, or some of them, or some other by their or some of their procurement see or handle the same, and when did they or some of them so do, & upon what occasion?

9 Item, whether did not the said Richard Payne, Edward Berthelet, Anthony Berthelet & Richard Masterson, or some of them, or some other for them or in their behalf, procure or entreat that the same writ of exigent now in question might be carried forth of the office

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of *custos brevium* where it ought to be kept, & who so required the same, and to what place should it so be had & carried, & for what occasion, and whether was not the same writ either solely alone or upon a bundle amongst others either the same morning in the which the said trial was to be had in the King's Bench or at some other time before that day carried by you or by some other to your knowledge by the appointment of the said Richard Payne, Anthony Berthelet, Edward Berthelet & Richard Masterson, or some of them, or some other by their direction or their friends to Sergeants Inn in Chancery Lane and the Inner Temple, or one of these places, or some other place in or near about the city of London, & there showed to some such as the said Richard Payne, Edward, Anthony & Richard Masterson, or some of them, or some other of their friends did appoint, and to whom was the said writ of exigent now in question so carried or showed, and by whose direction or appointment, & by whom was the same so carried or showed, and at what time and at whose request?