

SUMMARY The documents below are the bill of complaint dated 26 April 1615, answer dated 5 May 1615, and order dated 22 May 1615 in a lawsuit brought in the Court of Chancery by Sir Thomas Bendish (d.1636), Edward Newport, William Thursby, Robert Dormer and Mary, his wife, William Shakespeare (1564-1616) of Stratford upon Avon, gentleman, and Richard Bacon against Mathy or Mathias or Matthew Bacon (d.1639) concerning evidences for a messuage in the Blackfriars.

The lawsuit was discovered by Dr Charles William Wallace, and published, transcribed and discussed by him in 'Newly Discovered Shakespeare Documents', *University Studies of the University of Nebraska*, Vol. V, No. 4 (October 1905), pp. 347-56 at pp. 352-6, available online at <http://www.archive.org/details/universitystudie51905univ>.

xxvjto die Aprilis 1615 [=26 April 1615]

Saunders

To the right honourable Sir Thomas Egerton, knight, Lord Ellesmere and Lord Chancellor of England

Humbly complaining showeth unto your honourable Lordship your daily orators Sir Thomas Bendish, baronet, Edward Newport and William Thoresbie [=Thursby?], esquire, Robert Dormer, esquire, [INTERLINED: and Mary, his wife, William Shakespeare, gentleman], and Richard Bacon, citizen of London:

That whereas your orators be and are severally lawfully seised in their demesne as of fee of and in one capital messuage or dwelling-house with their appurtenances with two courtyards and one void plot of ground sometimes used for a garden on the east part of the said dwelling-house, and so much of one edifice as now or sometimes served for two stables and two haylofts over the said stables, and one little coal-house adjoining to the said stables lying on the south side of the said dwelling-house, and of another messuage or tenement with th' appurtenances now in the occupation of Anthony Thompson and Thomas Perckes [INTERLINED: and of their assigns, & of a void piece of ground whereupon a stable is builded to the said messuage belonging], and of several other houses divided into several lodgings or dwelling-houses, together with all and singular cellars, sollars, chambers, halls, parlours, yards, backsides, easements, profits and commodities thereunto severally belonging, and of certain void plots of ground adjoining to the said messuages and premises aforesaid or unto some of them, and of a well-house, all which messuages, tenements and premises aforesaid be lying within the precinct of Blackfriars in the city of London or county of Middlesex late the messuages, tenements and inheritances of William Blackwell th' elder, Henry Blackwell and William Blackwell the younger, and of Anne Bacon, or of some or one of them, unto which foresaid capital messuages, tenements and premises aforesaid several deeds, charters, letters patents, evidences, muniments and writings be and are belonging and appertaining and do belong unto your orators, and do serve for the proving of your orators' lawful right, title, interest and estate

in, to and unto the foresaid messuages and premises, all which foresaid letters patents, deeds, evidences, charters, muniments and writings aforesaid were left in trust with Anne Bacon, deceased, for and unto the use and behoof of your orators;

Now so it is, may it please your honourable Lordship, that the said Anne Bacon being lately dead, and Mathy Bacon being her sole executor, the foresaid letters patents, deeds, charters and evidences, muniments and writings aforesaid be since her death come unto and now be in the hands and possession of the foresaid Mathy Bacon, who doth not claim any right, estate or interest at all in or unto the foresaid messuages or tenements, yet nevertheless the said Mathy Bacon, knowing the messuages, tenements, letters patents, deeds, evidences, charters, muniments and writings aforesaid to be belonging and only to belong to your orators, doth nevertheless withhold, keep and detain away from your orators the foresaid letters patents and other deeds, evidences, charters, muniments and writings aforesaid, and will not deliver the same unto your orators, whereby your orators be in great danger for to lose and be disinherited of the messuages, tenements and premises aforesaid;

In tender consideration whereof, and forasmuch as your orators have no remedy at and by the course of the common laws of this realm for to have the said letters patents, deeds, charters, muniments, evidences and writings delivered unto your orators for that your orators do not know the certain dates nor particular contents of them, nor whether they be in box, bag or chest sealed or locked, therefore that the said Mathy Bacon may make direct answer unto the premises and may set down expressly what letters patents, deeds, evidences, charters, muniments or writings he hath in his hands or knoweth where they be which concern your orators or the messuages and premises aforesaid or any of them, and the same may bring into this honorable court to be delivered unto your orators, may it please your Lordship to grant to your orators his Majesty's most gracious writ of subpoena and also of ducens tecum unto him, the said Matthew Bacon, to be directed, commanding him thereby at a certain day and under a certain pain therein to be limited personally to be and appear before your Lordship in his Majesty's High Court of Chancery then and there for to make answer unto the premises, and also to bring with him the said letters patents, deeds, evidences, charters and writings into this honourable court and to stand to and abide such further order therein as to your honourable Lordship shall be thought fit, and your Lordship's daily orators shall be in all duty bound to pray for your good Lordship in all health and happens long to continue.

Lock

Iur{atus} 5 Maij 1615 Mat{thew} Carew [=Sworn 5 May 1615, Matthew Carew]
Pennyman

The answer of Mathy Bacon, gentleman, defendant, to the bill of complaint of Sir Thomas Bendish, baronet, Edward Newport, esquire, William Thursby, esquire, Robert

Dormer, esquire, and Mary, his wife, William Shakespeare, gentleman, and Richard Bacon, citizen of London, complainants

The said defendant, saving to himself now and all times hereafter all advantages and benefit of exception to all and every the incertainties & insufficiencies of the said bill of complaint, saith that he thinketh it to be true that the said complainants are lawfully severally seised in their demesne as of fee of and in one capital messuage or dwelling-house with th' appurtenances and other the tenements, stables, edifices and void grounds mentioned in the said bill of complaint;

And likewise thinketh it to be true that the same were late the messuages, tenements and inheritances of William Blackwell the elder, deceased, Henry Blackwell and William Blackwell the younger, and of Anne Bacon, deceased, mother of the said defendant, or of some of them;

And this defendant further saith that he doth not now claim to have any estate, right, title or interest of, in or to the said premises or any part or parcel thereof;

And he also saith that one letters patents and certain deeds, evidences, writings and muniments concerning the said messuages, tenements and other the premises mentioned in the said bill of complaint or some of them are come to the custody & possession of this defendant as executor unto the said Anne Bacon, his mother, but this defendant denieth that the said letters patents, evidences, writings and muniments or any of them were left in trust with the said Anne Bacon for and to the use and behoof of the said complainants or any of them, to the knowledge of this defendant, in any such manner as in the said complainants' bill is set forth and alleged;

And this defendant further saith that he doth not certainly know whether the said letters patents, evidences, writings and muniments do only belong unto the said complainants or any of them, or to any other person or persons as well as to the said complainants, and therefore he, this defendant, hath detained the same until such time as he may be lawfully and orderly discharged thereof upon his delivery of the same;

Ands so as he may be discharged and saved harmless from all further trouble, charge and damage which may hereafter happen unto him for or concerning his possession of the said letters patents, deeds, evidences, writings and muniments he, this defendant, is and will be ready to deliver all such letters patents, evidences, writings and muniments concerning the premises as came to the custody and possession of this defendant to his knowledge and do of right belong unto the said complainants or any of them unto such person or persons and in such sort as this honourable court shall order and think meet;

Without that that any other matter or thing in the said bill of complaint mentioned material or effectual in law to be answered unto and hereinbefore not sufficiently answered unto, confessed and avoided, traversed or denied, is true;

All which this defendant is and will be ready to aver, maintain and prove as this most honourable court shall award, and humbly prayeth to be dismissed forth of the same with his reasonable costs and charges in this behalf most wrongfully sustained.

Blakwell

Sa(?) hec

TNA C 33-127, f. 1074

xxijdo die maij [=22nd day of May]

Thomas Bendish, knight & baronet, Edward Newport et al{ij} plaintiffs, Mathias Bacon, gentleman, defendant

Whereas this court was this present day informed by Mr Richard Moore, being of the plaintiffs' counsel, that the said plaintiffs, being seised in fee of and in one capital messuage with the appurtenances situate in Blackfriars, and that divers the letters patents, deeds, evidences, charters, muniments and writings concerning the same did heretofore come unto the custody of Anne Bacon, the defendant's mother, as executrix to her mother, who lately died and made the defendant her executor, and that by means hereof the said letters patents, deeds, evidences and charters, muniments & writings are now come unto his hands, for obtaining whereof the said plaintiffs have exhibited their bill into this court, whereunto the defendant, having answered, doth by his said answer confess that one letters patents and certain deeds, evidences & writings & muniments concerning the said messuages and premises in the bill mentioned are come into his hands and possession, the said defendant, not making any title thereunto, but desiring that he may be orderly discharged thereof upon delivery of the same as this court should think fit, and therefore it was desired that the said letters patents and other the deeds, evidences and writings so confessed might be brought into this court upon the defendant's oath;

It is thereupon ordered that the said defendant shall bring into this court all the said letters patents, deeds, evidences, writings & muniments so by him confessed to be in his custody or possession upon his oath, here to remain to be disposed of as shall be meet, and for that purpose the plaintiffs may take process against the defendant if they will.