

SUMMARY: The document below is the deposition, dated 1 February 1623, of Mercy Frobisher, given in response to interrogatories in a lawsuit brought in the Court of Chancery by the family of Nicholas Brend (d. 12 October 1601), who had leased the land on which the Globe playhouse was built to William Shakespeare of Stratford upon Avon and other members of the Lord Chamberlain's Men on 21 February 1599, against Sir John Bodley, landlord of the Globe from 1601-1622, claiming that Bodley had unduly enriched himself as a trustee appointed under the will of Nicholas Brend. For Bodley's role in the financial affairs of Nicholas Brend and as landlord of the Globe after Brend's death, see TNA C 54/1682, mm. 10-11.

The Brends' bill of complaint and Sir John Bodley's answer have not survived. For the Brends' replication, see TNA C 2/ChasI/Z1/6. For the interrogatories, see TNA C 24/496/114, m. 9. For the depositions given by three other witnesses, William Fellows, Mary Strelley, and George Archer, see TNA C 24/496/114, ff. 1-6.

Mercy Frobisher was the half sister of Nicholas Brend, and the half sister of Sir John Bodley. In the deposition her age is given as about 50, and she was therefore born about 1572. She had been the wife of Peter Frobisher, heir of the navigator Sir Martin Frobisher, and was now widowed. She states in her deposition that she had known Margaret Strelley 28 or 29 years (which dates Margaret's marriage to Nicholas Brend to either 1593 or 1594), and that she had known Sir Sigismund Zinzan for 25 or 26 years (i.e., since 1596 or 1597), which establishes that she had known Sir Sigismund for several years before he married Margaret Strelley as her second husband after Nicholas Brend's death in 1601.

Her evidence that Sir John Bodley had purchased a Gentleman Pensioner's place at the court of King James with £300 of the money raised from the sale of Nicholas Brend's house at St Peter's Hill, and that he had not paid interest on the money which remained in his hands until he ultimately paid Nicholas Brend's daughters' portions, suggests that there was at least some truth to the Brends' allegations that Bodley had unduly enriched himself at the family's expense.

However after a full hearing on 26 June 1626, the case was dismissed with costs against the Brends, the Court having determined that Sir Matthew Brend had no standing since the properties concerned were not part of his inheritance. For orders in the case, see TNA C 33/147, ff. 932-3; TNA C 33/149, f. 537; TNA C 33/149, f. 936; TNA C 33/151, f. 485; and TNA C 33/151, f. 528.

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1 Mrs Mercy Frobisher of the parish of St Giles in the Fields in the county of Middlesex, widow, of the age of 50 years or thereabouts, sworn and examined etc.

That she doth know all the parties named for plainants and defendant in this suit, and hath known Sir Sigismund Zinzan named for one of the complainants in this suit these five or six and twenty years, and Dame Margaret, his wife, about these 28 or 29 years, and Sir Matthew Brend, John Brend, Jane Brend, Mercy Meese and Frances Brend from their infancies, and Robert Meese these eight years or thereabouts, and Sir John Bodley, knight, named for defendant, ever since she, this deponent, was a child.

2 That she doth know certain tenements situate upon St Peter's Hill, London, which were the lands and tenements of Nicholas Brend, esquire, deceased, at the time of his death, and saith that she hath heard much(?) of the manor or farm of Mace in the parish of Cudham in the county of Kent & of the six tenements in the parish of East Greenwich in the said county & of the seven tenements in St Mary Axe in the parish of St Andrews Undershaft near Lime Street, London, in the article mentioned, for she saith that the same were sometimes the lands & tenements of one Thomas Brend, who was father of the said Nicholas Brend and of her, this deponent, and she saith that all the said messuages, lands and tenements did come to the said Nicholas after the death of his said father, and she saith that the manor and farm of Cudham aforesaid and the six tenements in East Greenwich and the seven tenements in St Mary Axe and the tenements on St Peter's Hill were all the said Nicholas Brend's at the time of his death, but whether the said Nicholas had sold the two tenements in Candlewick Street before he died or no this deponent saith she knoweth not, and she saith that she cannot certainly set down what the clear yearly value of the said manor, farm, lands & tenements then were or now are, or what several rent or rents were paid or payable for the same at the time of the death of the said Nicholas Brend, howbeit she saith that she did hear her said father, Thomas Brend, in his lifetime say that his house at St Peter's Hill was then better worth than £20 a year, and this she saith is as much as she can materially depose to the contents of the article to her now present remembrance.

3 That she doth not know what sum or sums of money the defendant was offered for the inheritance of the said premises or any part or parts of the same, and therefore can say nothing material touching that point of the interrogatory, howbeit she saith that she did hear the said defendant himself say that he did sell the said manor or farm of Cudham, the six tenements in East Greenwich, the eight tenements in St Mary Axe and the tenement on St Peter's Hill, and that he had and received for the same a thousand and odd pounds, and this deponent saith that she verily believeth that the defendant did receive the rents, issues and profits of the said premises till he sold the same, but what those rents, issues & profits did amount unto this deponent saith she doth not know, nor can more materially depose to the contents of this interrogatory, saving thisweyt(?) that she did hear the last summer that the defendant did sell Cudham farm at so low(?) a price as that the woods there growing thereupon was now worth the purchase thereof.

4 That she doth not certainly know how long it was after the death of Nicholas Brend that Sir Matthew Browne in the article named died for that she saith she did not then live near

London, but did hear that the said Sir Matthew Browne died about a year and an half or two years after the death of Nicholas Brend, this deponent's brother, died.

5 That she doth verily believe that the defendant, Sir John Bodley, is now of better ability in lands and goods by two thousand 500 pounds than he was at or about the time of the death of [-of] the said Nicholas Brend besides the marriage portion which the defendant had with his wife, for this deponent saith that she doth hear that the defendant's lands are now worth £500 a year whereas his whole estate when the said Nicholas Brend died was not held to be worth above two hundred pounds a year, but what estate in money the said defendant then had or now hath she saith she neither knoweth nor remembereth she hath heard, nor can further depose to the interrogatory.

6 As before in her answer to the third interrogatory viz., that she did hear the defendant himself say that he had raised and had received by the sale of the lands and tenements in this deponent's answer to the said third interrogatory mentioned the sum of 1000 and odd pounds, which thing she saith the defendant told her about some eight years ago, and she saith that he did then tell her that with £300 of that money which he raised by the sale of the said house at St Peter's Hill he did buy a pensioner's place to attend the King's Majesty in his court which was worth an £100 a year, and she also saith that the defendant told her that he would pay the said £1000 unto the three daughters of the said Nicholas Brend, three of the complainants to this suit, and that for the overplus over and above the said £1000 which he received for part of the said premises as aforesaid he said he would pay it to the complainant Dame Margaret or to her son, this deponent saith she remembereth not well which, and this she saith is the truth of that she can depose to the interrogatory to the uttermost of her now remembrance.

7 That she thinketh that the complainant Jane Brend was about five or six years of age when her said father, Nicholas Brend, died, and Mercy Meese was then about some four years of age, and Frances Brend about some three years of age, as this deponent remembereth, and thinketh that the said John Brend was then about half a year or a quarter of a year old when the said Nicholas, the father, died, and this deponent saith that she doth know that the said children both by letters and otherwise have oftentimes demanded their said portions given to them by their father of the said defendant before he would pay to them, but this deponent saith that she thinketh that the defendant hath now paid them all their said portions, but more materially she saith she cannot depose to this interrogatory.

8 That the defendant himself did tell her, this deponent, that for the £1000 which he had received by the sale of the said Nicholas Brend's lands as is aforesaid he, the said defendant, was to allow a £100 a year interest till such time as the said £1000 should be paid in to the said children, of which interest the daughters, at the request of their mother, were to have but £20 a year towards their maintenance, and that the other four score pounds a year should remain in his hands till he paid the said portions, & then to go towards the lessening of the debt of £1800 or thereabouts for which the defendant stood engaged for the said Nicholas Brend at the time of his death because the lands of the said Nicholas might come the clearer to the said Sir Matthew Brend, eldest son of the said

Nicholas, howbeit she saith that about a year agone the said defendant and Sir Matthew coming to a reckoning for the said £1800, the said Sir Matthew, upon the desire of the defendant, did allow him interest upon interest after the rate of £10 pro centum per annum for the said £1800 from the time of the death of the said Nicholas till that time they reckoned, and never reckoned upon that fourscore pounds a year for the interest of the said £1000 till he paid it in to the said children, as he himself confessed should have been allowed, and this she saith is as much as she can remember to depose to th' interrogatory.

Mercy Frobisher