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ARTICLE

Some legal actions involving John Taverner, Rose Taverner and Christopher Tye

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Abstract

Searches through the plea rolls of the Court of Common Pleas have revealed a number of actions involving, separately, the Tudor composers Christopher Tye and John Taverner, and Taverner's widow, Rose. These yield the earliest sighting of Taverner so far, the date of his marriage, and two transactions in which he is involved in the transfer of property. Rose is shown defending a claim of debt incurred by John Copley, her previous husband, and attempting to recover debts owed, in one case, to her late son and, in others, to John Taverner. For Tye, no fewer than twenty-seven cases have been discovered, in almost all of which he is the defendant in a claim of debt. They shed light upon his contacts outside music and suggest that his principal places of residence were in Ely from 1547 to at least 1556, and at Doddington after 1561. They also reveal that he was claiming to be a Gentleman of the Chapel Royal much earlier than previously realised. Rose Taverner and Tye also feature in cases brought in the Court of Chancery, one of which reveals the name of Tye's mother and the town in which she had lived.

Keywords: chancery; Common Pleas; Taverner; Tye

Just as the law permeates our daily lives, so, too, it underpinned Tudor society. Citizens who had the means were at least as likely to resort to its courts to settle disputes as their counterparts might be today. The property disputes involving the composer William Byrd are well known, having been investigated by Edmund Fellowes and more recently, and in greater depth, by John Harley.[1] Byrd's cases were heard in various different courts, including the Court of Chancery, the Court of Queen's Bench and the Court of Exchequer. These three, together with the Court of Common Pleas (usually called by contemporaries the Bench or the Common Place), comprised the four central common law courts of England.[2] The King's (or Queen's) Bench was in theory restricted to cases in which the monarch had a personal interest, but by the sixteenth century lawyers had won some flexibility in the types of cases heard. The Exchequer was chiefly concerned with actions involving crown revenue and private suits against the court's personnel, sheriffs and a few other officers. The Chancery, originally a department of state dealing with royal writs, charters and grants, had evolved to become a court of equity. It allowed a more nuanced, equitable interpretation of the law than was possible in the Court of Common Pleas, which was bound to a narrowly rigid application of the law and had procedures to match. The Court of Common Pleas dealt with the majority of civil cases initiated by private litigants, including the monarch when acting in a

[1]Edmund H. Fellowes, *William Byrd*, 2nd edn (London: Oxford University Press, 1948); John Harley, *William Byrd: Gentleman of the Chapel Royal* (Aldershot and Brookfield, VT: Scolar Press, 1997). Details of Byrd's property leases are in John Harley, *The World of William Byrd: Musicians, Merchants and Magnates* (Farnham and Burlington, VT: Ashgate, 2010), 216–21.

[2]For the development of the English courts and law, see Sir John Baker, *An Introduction to English Legal History*, 5th edn (Oxford: Oxford University Press, 2019). Also indispensable is Margaret Hastings, *The Court of Common Pleas in Fifteenth Century England* (Cornell University Press, 1947). See also Marjorie Blatcher, *The Court of King's Bench 1450–1550: a Study in Self-Help* (London: Athlone Press, 1978).

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private capacity. If an action initiated in the Common Pleas required a trial by jury, this would typically take place at the local assizes or some other court.

The records of the central law courts, which are in the National Archives at Kew, are copious, and as yet a relatively untapped source of information about Tudor musicians.[3] In the preface to his book *William Byrd: Gentleman of the Chapel Royal*, John Harley writes:

> The records of the Court of Common Pleas have so far proved impenetrable. … The enormous labour of searching through so many large haystacks straw by straw, in the hope that they may contain a needle, will demand great determination on somebody's part.[4]

This is no exaggeration. The Common Pleas had far more business than any of the other courts, amounting to thousands of cases a year, and there are no comprehensive finding aids to the plea rolls in which process in its cases was recorded.[5] An unsuccessful search through the digital images available at aalt.law.uh.edu for a specific dispute in the plea rolls from 1537 to the end of 1555 brought to light a number of references to Tudor musicians and their relatives, notably John Taverner, his wife, and Christopher Tye. This in turn prompted a more extended search through the images for Tye. Transcripts and translations of our findings accompany this article. The sheer volume of material meant that the searches had to be focused on specific counties and names. We believe that we have discovered most of the cases relating to the Taverners and Tye, but no attempt was made to read every entry in the rolls and it is perfectly possible that more references remain to be found.

It is certain that other musicians lie undiscovered in the plea rolls of the courts, although identifying them may be another matter. Familiar names are regularly encountered, but only rarely is it possible to link them conclusively with the eponymous musician. We can be confident that the John Mason, clerk, who from 1543 to 1546 was pursued for two debts he owed to the late John Hyett of Aldbourne, Wiltshire, was the composer because he is described as both of Pewsey, Wiltshire, and of Hereford.[6] The composer is known to have held the benefice of Pewsey in addition to his canonry at Hereford Cathedral.[7] In all probability he was also the 'Joh*ann*em Mason de Hereford in Com*itatu* Heref*ordie* Cl*er*ic*u*m alias d*ict*um Joh*ann*em Mason fili*u*m Thome Mason de Exceter in Devenshyre prestbit*er*ium' (John Mason of Hereford in the county of Herefordshire, clerk, also called John Mason, priest, son of Thomas Mason of Exeter in Devonshire), who was sued by Thomas Haton of Hessle, Kingston-upon-Hull, for £6 13s. 4d. in Hilary term 1543, but without further information we cannot be completely sure.[8]

The problem is that, clergy apart, those named in the court records are more often identified by status than by occupation, if at all. Frequently the only clue to a person's identity is a location. Few if any lay choirmen can have earned their living solely from singing; consequently it is extremely rare to find someone described as a singing-man. Doubtless some do lurk in the plea rolls, hidden behind other professions, or a general description such as 'yeoman'. One of the very few explicit instances found concerns John Harryson of London, singing-man, who in 1541 acted as executor of the will of John Richard, 'de civitatis Westm*onasteriensis* cl*er*ici & unius vicarior*um* chor*al*i cathedralis eccl*es*ie S*anc*ti Petri infra d*ict*am ciuitatem Westm*onasteriensis* alias d*ict*i Joh*ann*is Richard ciuis & stacioner London*ie*' (of the city of Westminster, clerk, and one of the vicars choral of the cathedral church of Saint Peter in the

[3]The plea rolls of the Court of Common Pleas, the King's Bench and the Exchequer, are among the court documents of this era photographed for the digital image archive 'The Anglo-American Legal Tradition' assembled by Robert C. Palmer, Elspeth K. Palmer and Susan Jenks at <https://aalt.law.uh.edu/>.

[4]John Harley, *William Byrd,* xi.

[5]Rosemary Simons and Vance Mead have indexed selected rolls for The Anglo-American Legal Tradition.

[6]The National Archives (henceforth TNA) CP 40/1118, rot. 277 dorse; CP 40/1123, rot. 806; CP 40/1124, rot. 667 dorse; CP 40/1125, rot, 68 dorse; CP 40/1130, rot. 787.

[7]We are grateful to Roger Bowers for confirming the composer's tenure of Pewsey.

[8]TNA CP 40/1116, rot. 297 dorse; CP 40/1120, rot. 548 dorse.

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said city of Westminster, otherwise called John Richard, citizen and stationer of London).[9] When musicians are specifically noted as such, it may be because it was the simplest way to identify them. One is the 'organpleyer' Thomas Freman of Moulton, Suffolk, who, with four others, was accused of taking hares, rabbits, pheasants and partridges from the land of John Cotton in Easter term 1539.[10] Another is the 'organmaker' John Lawrans of York, whose remarried widow, Elena Bafford, attempted to recover his debts in Hilary term 1559.[11]

Defendants are usually described more helpfully than plaintiffs. This is because the entries in the court plea rolls reproduce verbatim the names and styles that appear in the writs sent to the sheriffs. In actions of debt, those writs had in turn to describe the defendant in the same words used by the plaintiff in whatever document (if any) he drew up with the defendant when arranging the debt.[12]

Plaintiffs' cases were recorded on parchment sheets or rotulets (*rotuli*) about 11 inches wide and two-and-a-half feet tall, written on both sides. At the end of each term the individual rotulets were gathered together and bound at their heads to form a bundle known as a plea roll. The rolls are less informative than one might wish because they do not record what was said in court. They preserve formulaic entries recording the court's decision at each stage of each case. If a defendant appeared in court, either in person or through their attorney, and pleading ensued, the record may then yield some further information, but relatively few cases reached this stage.

Disputes about debts were very common. Tudor England had no banks as we know them. Money-lending existed as a sideline for merchants, tradesmen and craftsmen, and the rich could deposit their plate and money with goldsmiths for safe keeping, but there was as yet no regulated infrastructure for granting credit and borrowing money. For the mid-Tudor citizen, raising capital for a business venture, for the purchase of land or livestock, or for anything else, meant borrowing from individuals.[13] Moreover there was a disinclination to carry much in the way of cash. All of this meant that the extending of credit was common. Failure to pay a debt within the agreed time, or to obtain the lender's written confirmation that it had been paid, could well result in the lender, or the lender's heir, taking action in court to recover the money. The law's response in such cases was to invoke a long-winded procedure which, if pursued to completion, would end in outlawry. Since most of the records detailed below belong to this outlawry process it is worth explaining briefly.[14]

For a debt action to proceed, either the defendant or his attorney had to be present in court. To this end the plaintiff first obtained from the Chancery a writ addressed to the sheriff of the area in which the debt had been incurred (irrespective of where the defendant might be living). This instructed the sheriff to summon the defendant to appear in court on a particular day to answer to the charge. If the defendant or his attorney responded in person, either at this point, or at any later stage in the process, pleading would ensue, or a settlement might be reached out of court. More often than not, however, the sheriff returned that the defendant had nothing wherewith he or she could be summoned ('*quod nichil habet unde potest summoneri*').[15] The defendant was allowed four days of grace in which to appear. If by the fourth day the defendant had not appeared, the fact was entered on the plea roll and the plaintiff (in person or by attorney) sent to the sheriff a judicial writ of *capias ad respondendum* ('that you capture to make answer'), instructing him to arrest the defendant and bring him or her to court by a specified day

[9]TNA CP 40/1146, rot. 438, front and dorse. Harryson has an entry in Hugh Baillie, 'Some Biographical Notes on English church musicians, chiefly working in London (1485–1560)', *RMA Research Chronicle* 2 (1962), 18–57 (p. 38).

[10]TNA CP 40/1101, rot. 545 dorse.

[11]TNA CP 40/1177, rot. 216.

[12]Anon., *The Practick Part of the Law* (London, 1652), 5. If used with care, relatively late sources can often illuminate earlier practices. The law evolved but slowly and many of its procedures remained stable for centuries.

[13]Marjorie K. McIntosh, 'Money Lending on the Periphery of London, 1300–1600', *Albion*, 20/4 (1988), 557–71.

[14]The following explanation is indebted to Baker, *English Legal History*, 71–3; Sir William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford: Clarendon Press, 1765–9), iii, 282–4; iv, 313–16 and Thomas Taylor, *A Law Glossary* (London: W. Clarke & Sons, 1819).

[15]In practice this phrase was invariably abbreviated in the plea rolls to '*quod nichil habet &c*'.

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to answer to the plaintiff. The sheriff might reply that the defendant could not be found within his bailiwick.[16] The plaintiff would then sue out a further writ instructing the sheriff '*sicut prius*' ('as before') to seize the defendant and again ensure his or her appearance in court. If the sheriff again replied that the defendant was not found, yet another writ would ensue, commanding the sheriff '*sicut pluries*' ('as often before') to arrest the defendant. Since sheriffs were not entitled to expenses (until 1542), were liable for damages if they made mistakes, and were often not above bribery and corruption, it does not necessarily follow that they had bothered to look, but this was a question the court was not allowed to ask.

If the defendant continued to be unresponsive, the court authorized the issue of a writ of exigent (also known as a writ of *exigi facias*: 'that you cause to be called'). This instructed the sheriff to cause the defendant to be 'exacted' (called to surrender) from county court to county court, or, if in London, from husting court to husting court, on five separate days. At the same time, a writ of proclamation was sent to the sheriff in whose bailiwick the defendant was understood to be residing. This instructed the latter sheriff to proclaim the terms of the writ of exigent on three separate days, publicly, at sessions in the county court ('*in pleno comitatu*'), one of which was to be at a quarter session, commanding the defendant to surrender to the sheriff.[17] This was the last chance to respond to the plea. If the defendant did not surrender, outlawry followed. In fact only men could be outlawed; women were said to be 'waived', but the effect was the same. It placed the person so pronounced outside the protection of the law. Not only were they unable to sue for redress of wrongs or injuries, but their personal property and the profits from their lands were liable to be forfeit. The whole process from initial writ to outlawry could easily take a year.

At least, this was the theory. In practice, it is unlikely that any of these writs were actually considered in court.[18] Such routine bureaucracy between plaintiff and sheriff needed no judicial input. Probably it was only when and if pleading occurred that the justices of the Common Pleas became actively involved. In fact, there is some evidence that the various writs required could be bought as a job lot in one transaction, which may go some way towards explaining why stages are often missing from the plea rolls.

There were various options for executing a judgment for money. The only one that need concern us here is the writ of *capias ad satisfaciendum* ('that you capture to make satisfaction'), which was sent to the defendant's sheriff, instructing him to arrest the defendant and bring him to Westminster to make satisfaction to the plaintiff. If the defendant was unable to comply, he was to remain in custody until he did.[19] Tye was twice the object of such a writ, although in neither case do we know whether he was arrested.

If an outlawry was pronounced, it was possible to reverse it by proving that a procedural error had been committed, or by purchasing a pardon for a pound or two, but either method required the defendant to appear in person. In practice, the Tudors do not seem to have been unduly troubled by the threat of outlawry. Elizabeth I is said to have complained about the number of outlaws sitting as members of parliament.[20]

The wise creditor took the precaution of ensuring that the existence of the debt was documented by a deed, a contract, or a type of conditioned bond known as an obligation. This was an acknowledgement that the 'obligor' owed the 'obligee' a specified sum of money which was to be paid by a specified date or event. If the debt was not paid on time it was replaced by a penalty. This penalty would typically be a

[16]A bailiwick was the sheriff's area of jurisdiction. A sheriff was typically responsible for an entire county, but some towns and cities, such as Coventry, Bristol, Kingston-upon-Hull and Exeter had their own sheriff. Several bailiwicks had two sheriffs. These included London, whose sheriffs also were also responsible for Middlesex: in London they were counted as two sheriffs, but in Middlesex they were known collectively as the sheriff: John Impey, rev. H. Jeremy, *The Practice of the Office of Sheriff and Under-Sheriff*, 6th edn (London: J. & W. T. Clarke, 1835), 21, 32, 42.

[17]Sir William David Evans (ed.), revised Anthony Hammond, *A Collection of Statutes Connected with the General Administration of the Law*, 3rd edn (London: Saunders and Benning, 1829), iii, 196–7. For the phrase '*in pleno comitatu*', see Robert C. Palmer, *The County Courts of Medieval England, 1150–1350* (Princetown: Princetown University Press, 1982), 16–17.

[18]Hastings, *The Court of Common Pleas*, 37–8.

[19]Baker, *English Legal History*, 74; Blackstone, *Commentaries*, iii, 414–15.

[20]Baker, *English Legal History*, 72, n.72.

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larger sum than the debt, sometimes twice as much. By Tudor times actions of debt on an obligation were the most common form of action in the plea rolls.[21]

By tradition cases were 'laid' in the county where the cause of the action arose, even if the defendant lived elsewhere. This was because medieval juries did not weigh evidence as modern juries do. They were expected to judge the facts of the case, and it was assumed that the people who would know the facts were those who lived where the offence was committed.[22] By the sixteenth century this was beginning to change, but the convention for laying cases still held. However, a procedure had evolved that enabled both this convention and the bureaucracy of successive writs to be circumvented. In the Court of King's Bench, the main court for the county of Middlesex, a legal fiction known as the Bill of Middlesex had evolved to enable the court to hear cases, such as debt, that did not fall within its remit. The plaintiff would allege, completely fictitiously, that the defendant had committed a violent trespass in the county of Middlesex, typically in the parish of St Mary-le-Bow, in the ward of Cheap. This was sufficient to have the defendant arrested and bailed, but now that he was nominally a prisoner in the Marshalsea and thus within the jurisdiction of the King's Bench, the fictional trespass would be quietly dropped and replaced by a bill presenting the real complaint.[23]

Fictional locations in London were allowed in the Court of Common Pleas: they were much used by the plaintiffs who sued Tye. In this case, however, the reason is obscure since the procedural advantages obtainable in the King's Bench were irrelevant. A plaintiff in the Common Pleas did not need to resort to a fiction in order to sue for debt because debt had always been within the court's scope. Furthermore, it became accepted that some types of action in the Common Pleas, including debt, could be laid in any county of the plaintiff's choice.[24] It seems probable that attorneys laying cases fictionally in London were taking advantage of the faster processing of writs possible there, where the sheriffs were within easy reach. Or they may have been hoping to ensure that any subsequent trial would take place before the King's Bench, rather than at the county assizes or elsewhere. The advantage of this was that there could be no appeal: the Court of King's Bench was the highest court of the land and its judgments could not be overturned by another court.

Another type of action, one that we will encounter among Taverner's cases, is the common recovery. This was a means of transferring real property (that is, immovable property such as land and buildings). In the Middle Ages people did not own real property outright in the way we do today. After the Norman conquest in 1066 it quickly came to be assumed that all land belonged to the king. The king granted the tenancy of large estates to elite, mainly Norman, families. These 'tenants in chief', of whom 900 are listed in the Domesday Book, in turn granted parcels of their land to others in return for homage or services. These sub-tenants did the same and thus was the procedure repeated down the social scale, creating a pyramid of tenancies, with the lowest tenants mostly holding 'manors' comprising a vill or hamlet with a nucleus of inhabitants holding allegiance to the same lord. Both lord and tenant had rights in the land, but they fell short of outright ownership. The land was merely possessed in a feudal tenancy known as 'seisin': the tenant could not sell it without his lord's consent, nor bequeath it in his will to whom he pleased. If the tenant's interest in the land ceased, it reverted to the lord. This held true throughout the tenancy hierarchy. Only the king was not a tenant.[25]

Land granted under this system was known as a 'fee'. Common law recognized that a fee would descend by right to the tenant's heirs. Such land was said to be 'in fee tail'. Entailed land could not be 'alienated', that is left to someone who was not the holder's direct heir. Nor could the lord intervene to grant it to someone else. The heir had an absolute right to succession. There did exist, however, another form of tenure known as 'fee simple', which had no such restrictions. Land held in fee simple could

[21] *Ibid.*, 345–6.
[22] *Ibid.*, 82.
[23] *Ibid.*, 49–50; Liron Shmilovits, *Legal Fictions in Private Law* (Cambridge: Cambridge University Press, 2022), 21–3.
[24] *The Attourney of the Court of Common Pleas* (London 1648), 37.
[25] Baker, *English Legal History*, 241–9.

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readily be sold or bequeathed to anyone. Therefore the possessor of land in fee tail who wanted to sell it had to find a way of converting the tenure to a fee simple.

The usual procedure for doing this was a collusive action known as a common recovery. In its simplest form, the person in possession, the tenant in tail, granted the land to an accomplice, either in trust, or as a sale. The accomplice then brought a fictitious writ against the tenant claiming title to the property. The tenant denied the claim and called upon a third party, a 'vouchee', to authenticate his title. The court nominated a day for the parties to imparl (that is, to confer). When that day came, the vouchee failed to appear on the tenant's behalf, with the result that judgment was given by default to the accomplice to recover the land from the tenant as a fee simple, and for the tenant to recover land of equal value from the vouchee because of his warranty. This vouchee was usually a lowly court official who, for a fee of fourpence, was readily available for any such actions and who was consequently known as the 'common vouchee'. The trick was always to ensure that he was landless, so that the tenant was unable to effect any recovery. This effectively terminated the estate tail.[26] If the accomplice had been made a trustee, he then returned the land to the tenant who, now that he held it in fee simple, was free to dispose of it as he wished. Alternatively, if the accomplice had purchased the land, he kept it for himself.

There were more complicated forms of common recovery, involving two or even three vouchees. These catered for less straightforward legal situations that need not concern us here.

In 1484 a statute was passed that enabled an alternative way of barring entails: the final concord, or 'licence to agree', obtainable on payment of a fine to the monarch.[27] This, too, Taverner used. The demandant began the action by obtaining a writ from the Chancery against the tenant in tail. This named a day for the parties to appear in court, which they might do either in person or through their attorneys. If the tenant and demandant were in collusion, as they often were, the tenant acknowledged the demandant's right to the land and they agreed on a purchase price and the amount of the fine to be paid to the crown. When the concord had been agreed publicly in court, a date was nominated for the parties to return to receive their copies of the agreement and the concord was noted on the plea roll. A court official called the chirographer drew up a covenant called a 'note of fine' recording the names of the parties, the details of the land and the terms of the compromize. This he would write in triplicate on one sheet of parchment. The three copies would then be separated by cutting them in serrated or undulating lines so that when fitted together again it would be easy to confirm that the copies were the originals. Each of the two parties then received one copy of the covenant, while the third, on the foot of the fine, was retained by the court. One advantage of this method was that, in the event of any dispute, there was always a record of the transaction in the Treasury at Westminster.[28]

In the sections below, summary references to the individual court cases are interpolated in the text between brackets. The references are abbreviated thus: John Taverner, Rose Taverner and Christopher Tye are abbreviated to J, R and C respectively, the Court of Chancery is abbreviated to 'Ch', and the Court of Common Pleas to 'CP'. Thus 'R/CP 1' means no. 1 in the list of Common Pleas actions under Rose Taverner's name. All manuscript documents referenced, both in the main text and in the footnotes, are in the National Archives, unless otherwise stated.

John and Rose Taverner

The following account of Common Pleas and Chancery documents relating to John and Rose Taverner is in three sections. The first concerns actions predating John Taverner's death. The second deals with later

[26] *Ibid.*, 299–303; [George] Wilson, *A Practical Treatise on Fines and Recoveries*, 3rd edn (London: W. Strahan & M. Woodfall, 1780), 261–6. For a detailed investigation of the entire subject, see Joseph Biancalana, *The Fee Tail and the Common Recovery in Medieval England, 1176–1502*, (Cambridge: Cambridge University Press, 2001).

[27] Sir John Baker, *The Oxford History of the Laws of England: Volume 6, 1483–1558* (Oxford: Oxford University Press, 2003), 698–9.

[28] C[harles]. W. Foster, *Final Concords of the County of Lincoln, A.D. 1242–1272, with Additions A.D. 1176–1250*, vol. 2, Lincoln Record Society 17 (Horncastle: W. K. Moreton & Sons Limited, 1920), xviii–xxx.

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actions between Rose Taverner or her sons-in-law and Anthony Robertson concerning a debt to John Taverner of £20. The third refers to other actions by or against Rose.

John Taverner

It is probable that John Taverner was born in the 1490s. Almost certainly a native of Lincolnshire, he was a singer at Tattershall Collegiate Church before being appointed in 1526 master of the choristers at Wolsey's prestigious (but short-lived) Cardinal College, Oxford. Here he became involved in some of the activities of a group of Lutherans, but there are no grounds for believing that he underwent a permanent conversion, nor for the opinion that he was a cruel and bigoted Protestant fanatic (as his association with Thomas Cromwell in the late 1530s was once considered to imply, largely as a result of a misinterpretation of one of his letters).

Taverner returned to Lincolnshire in 1530, and settled at Boston. It appears that he became a lay clerk and probably instructor of the choristers of the choir maintained by the Guild of St Mary at the parish church. Following Henry VIII's break with Rome, the fortunes of this very wealthy guild declined, and by 1536–7 Taverner's involvement with church music had ceased or was substantially reduced. He had already done well financially, and before his death in 1545 he had become a prominent citizen (latterly as one of the aldermen).[29]

Until the present researches were undertaken, we knew nothing of Taverner's activities before 1524.[30] However, we now know, thanks to a Common Pleas document of 1540–1 (J/CP 4), that on 13 June 1523 the composer had bought a horse from Henry Foys[31] at Horsham in Sussex. That day was a Saturday and the day on which a weekly fair was held in the town, so it may well be that Taverner had visited Horsham specifically for that purpose.[32] The journey from Tattershall, where Taverner was based by 1524 at the latest, was his longest known excursion outside Lincolnshire—more than 140 miles each way.[33]

Henry Foys was a remarkably patient creditor. In 1523 he had presumably expected fairly speedy payment, Taverner having agreed that the money would become payable when he married. It might be assumed from this that a marriage was in prospect if not imminent. Possibly a marriage contemplated in 1523 was still in mind in 1525 when Taverner referred to his being 'in way of a good marriage' when initially turning down a post as *informator choristarum* at Cardinal College, Oxford.[34]

The pleading in the Foys v. Taverner case (in the Trinity term, 1541) gives 10 September 1539 as the date (previously unknown) of a marriage that *did* take place, and confirms the long-suspected identity of the bride, Rose Copley. How did Foys come to know of the marriage? To what extent was there continuing (perhaps even amicable) contact between himself and Taverner? Unfortunately no records have been found to show whether or not Henry Foys ever received his £6 13s. 4d., although his determination to bring a 17-year-old debt to court suggests that he was not one to quit.

The remaining cases in this section have also come to light since 2003, most importantly the action for Common Recovery (J/CP 1) of 1526 concerning three dwellings in Boston. These properties were to be

[29]The information here presented in brief outline is more fully presented in Benham, *John Taverner: His Life and Music* (Aldershot: Ashgate, 2003), 5–18 and 271–84, and in Roger Bowers, 'Taverner, John', *The New Grove Dictionary of Music and Musicians*, ed. Stanley Sadie and John Tyrell, 29 vols, 2nd edn., (London: Macmillan Publishers, 2001), xxv, 130–5.

[30]Hugh Benham, *John Taverner*, 5.

[31]The Foys family were sometimes referred to as 'Voice' or 'Voyce', in line with the Southern English tendency to replace initial *F* with *V*. It is therefore almost certain that Taverner's creditor was the Henry Voyce (1503–1550) whose will is transcribed (from PROB 11/34/104) at <http://www.family-forest.co.uk/familytree/wills/voice/henryvoice1550.shtml> (accessed 4 July 2022).

[32]British History Online, <https://www.british-history.ac.uk/vch/sussex/vol6/pt2/pp166-180#anchorn223> (accessed 4 July 2022).

[33]As the crow flies. We cannot know his exact route. Oxford was, as the crow flies, about 100 miles from Tattershall and from Boston.

[34]Benham, *John Taverner*, 9.

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transferred from the ownership of John Taverner, the 'tenant in tail', who is described as 'fil*ium* & hered*em* Georgij Tauerner' ('son and heir of George Taverner'), to the cleric John Robynson (the 'accomplice').

Although the John Taverner of the common recovery cannot be identified with the composer with certainty, the location of the dwellings does point strongly in his direction. It is not unreasonable, therefore, to suppose that the composer John Taverner's father was the George Taverner mentioned above, of whom nothing further is at present known. The term 'heir' indicates that the composer was the eldest (or eldest surviving) son.[35] In the 1546 inquisition post mortem that dealt with the intestate Taverner's property, a William Taverner is named as brother. William's age, given as '40 years or more',[36] may be imprecise, but he was clearly John's *younger* brother, if the composer was indeed George Taverner's heir, and, as generally assumed, in his fifties when he died.

The fact that George owned property in Boston *might* suggest that John Taverner himself was born there, and that references to him as 'of Boston' do not relate solely to his living there after 1530. His work at Tattershall Collegiate Church some dozen or so miles away need not therefore mean that he had been brought up there; but it is worth noting that there was a William Taverner, husbandman, at Tattershall in 1523.[37]

In the Hilary Term 1526 John Taverner started an action, which appears not to have proceeded beyond the *capias* stage, against Thomas Sersey, a Boston cleric who owed him 40 shillings (J/CP 2). The Boston connection again suggests that this John Taverner was the composer, who would appear to have been in fairly affluent circumstances, even before he joined the payroll of Cardinal College a month or two later. The apparent failure of this action to proceed further is unlikely to mean that Taverner simply walked away and abandoned his 40 shillings, especially as he could expect his attorney to handle the case for him.

The next known Common Pleas references to John Taverner (Michaelmas Term 1537–Hilary Term 1538) are to his indebtedness to Edmund Rouse of Ipswich (J/CP 3). A man of this name was later a member of Parliament; like Taverner he had contacts with Thomas Cromwell in the late 1530s.[38] The action proceeded as far as the *exigi facias* stage. The sum of 200 marks was equivalent to £133 6s. 8d., very large by contemporary standards. Why Taverner should have incurred a debt of this amount is by no means clear.

The final Common Pleas case to be mentioned in this section was a final concord from 1541–2 (J/CP 5). Taverner purchased a property in Boston from John and Agnes Dormer and John Sutton (who were involved in two similar actions at the same time, but of whom nothing else is currently known).[39] John and Agnes were husband and wife; their relationship if any to John Sutton is not clear. The purchase price was 20 marks 'of silver' (£13 6s. 8d.) and the fee payable to the court 6s. 8d.

Rose Taverner

i. Actions arising from the debt to John Taverner of £20

In the course of research conducted in 2001, the Chancery documents C 1/259/14–17 and C 1/1379/48–52 were discovered and their contents summarized in Benham, *John Taverner*.[40] These, together with related entries from the books of Chancery Orders and Decrees are presented here as Rose Taverner cases

[35]Baker, *Introduction to Legal History*, 286–7.

[36]E 150/580/18. For further details and translation, see Benham, *John Taverner*, pp. 16–17, 275–7 (Appendix B).

[37]CP 40/1041, rot. 300, <http://aalt.law.uh.edu/AALT3/H8/CP40no1041/aCP40no1041fronts/IMG_0606.htm> (accessed 4 July 2022).

[38]The History of Parliament, <https://www.historyofparliamentonline.org/volume/1509-1558/member/rous-sir-edmund-1521-69-or-later> (accessed 4 July 2022).

[39]This John Sutton may have been the man of that name who was buried at St Botolph's, Boston on 20 February 1559/60 (Lincoln, Lincolnshire Archives, Boston St Botolph Par 1/1, p. 1 of the burials section).

[40]Benham, *John Taverner*, 283–4 (Appendix E: 'John Taverner and the Loan of £20').

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R/Ch 1 and R/Ch 2. Subsequently the documents transcribed and translated below as Rose Taverner R/CP 4–5 and 7, have come to light. They concern the same incident and its extended aftermath.

At a date unknown, Anthony Robertson (a citizen of Boston presumably related to the Nicholas Robertson who was the town's first mayor in 1545) and William Kydd became indebted to John Taverner in the sum of £20.[41] The debt was Robertson's; Kydd was his guarantor. Anthony Robertson claimed that he settled the debt in the Michaelmas term 1543 at St Albans. Taverner was not present at St Albans, presumably either because he was too busy to spare the time, or because he was at that time physically unfit to undertake the journey of more than 80 miles each way (as the crow flies) from Boston; instead, letters were sent to inform him of the settlement. Robertson stated that he trusted Taverner as a very honest man, and relied on his words and promises. Taverner undertook to find the deed, and an arrangement was made for its return, but in the event Robertson was left without proof of repayment. Possibly Taverner's lack of effective action was partly associated with already declining health: it is at least clear that his death the following year was preceded by a period of 'decay', according to John Tupholme.[42] But the deed had not actually been lost: even before her husband's death, it was in his wife Rose's possession. This was characterized by Robertson as an act of dishonesty, probably a correct analysis, not least because Rose appears to have been accused of something similar previously.[43]

The sequence of events thereafter may be conveniently summarized as follows. The first three stages took place in the Court of Common Pleas (R/CP 5).

- Hilary term 1549: Rose goes on the offensive, laying an action against Robertson for non-repayment of the debt (*capias* stage).
- Easter and Trinity terms respectively: the *sicut pluries* and *exigi facias* stages follow (no *sicut prius* has been traced).
- Probably from Michaelmas term 1549: Robertson retaliates in the Court of Chancery, apparently in the hope of obtaining a more rapid and equitable judgment (R/Ch 1). This results in Robertson requesting a writ of injunction against Rose Taverner for her attempts wrongfully, in Robertson's opinion, to demand repayment of a loan already repaid.
- Hilary term 1550 (14 February): the writ of injunction is awarded against Rose.
- Easter term 1550 (5 May): Robertson is ordered by the Court to present a bill—but it is not at present clear exactly what was required.
- Michaelmas Term 1550: a hearing is scheduled for 23 October, but postponed to 3 February, probably because of Rose's refusal to co-operate.
- Hilary term 1551 (29 January): a William Osborne undertook to deliver a (second?) writ of subpoena to Rose Taverner.

Nothing further is known of this case, which may have lapsed for reasons that are not clear.

But the story of the £20 did not end in 1551. After Rose Taverner's death in May 1553,[44] the joint executors of her will, Richard Hodge and Stephen Salmon, made a new attempt to claim the £20 from Robertson. In Trinity term 1554 the attorneys for the two parties engaged in pleading in the Court of Common Pleas (R/CP 7). The pleading gives a precise date for the obligation that Robertson had signed: 1 July 1543. The parties elected to go to trial, but, as before, Robertson responded by complaining to the

[41]There is a note about the Robertson family in Pishey Thompson, *The History and Antiquities of Boston* (London: John Noble, 1856), 253. William Kydd was one of the first aldermen of Boston in 1545, and mayor in 1549 and 1556; see Thompson, *The History and Antiquities*, 454.

[42]Mayor of Boston in 1547. Further on his known connection (and a further possible connection with Taverner), see Benham, *John Taverner*, pp. 16 (including note 69) and 304, note 9.

[43]'Rose Copley [Taverner after her marriage] had apparently…attempted to conceal her late husband John Copley's will, according to the incomplete record of a legal action taken against her (C1/1172/54)': Benham, *John Taverner*, 283.

[44]Her will was dated 1 May and proved 18 May 1553: Benham, *John Taverner*, 279–80.

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Lord Chancellor (R/Ch 2).[45] On 9 or 10 October 1554 he lodged a bill of complaint in the Court of Chancery maintaining that the obligation was not delivered to him in a timely fashion, that Taverner died shortly afterwards, and that Rose (as executor and administrator of his will) had the document in her possession. The matter was to be examined on the Lord Chancellor's authority by a commission. Rose was summoned to attend this, but refused to appear. Robertson, for his part, produced witnesses to support his side of the story. The court granted a writ commanding Rose to appear personally, but before the appointed day she fell seriously ill ('more like to dy then to lyve'). Shortly before her death, Robertson questioned her in the presence of her confessor: she replied that the obligation was in the hands of her son-in-law Richard Hodge in London. After Rose's death, Hodge and her other son-in-law, Stephen Salmon had revived the action against Robertson in the Common Pleas (R/CP 7), presumably in the same hope that their mother-in-law had had of receiving the £20 a second time.

Stephen Salmon and Richard Hodge then replied, separately but in very similar terms, to Robertson's bill of complaint. They recounted the principal events of the case so far. After Rose's death they apparently both had possession of the obligation, and started a case in the Common Pleas against Robertson, who then took out an injunction to pause their action. Salmon and Hodge countered Robertson's case point by point – including the assertion that Rose referred Robertson to her son-in-law in London (Hodge) as then holding the obligation. They accused Robertson of reviving a Common Pleas suit contrary to Rose's dying wishes. They asked the court for costs and expenses.

Anthony Robertson then responded to Richard Hodge, re-affirming the truth of everything in his bill of complaint. He restated the main events of the case, beginning with the repayment of the £20 to Taverner. He asserted that he was ready to disprove anything else in Hodge's answer that he did not specifically respond to in his reply.

Robertson replied separately to Stephen Salmon, at considerably greater length and in a rather more hostile fashion, asserting that Salmon's answer was deliberately vexatious (an assertion intended to dismiss Salmon's answer as invalid).

On 8 February 1555 a commission was appointed to examine witnesses for Robertson and on 14 May the defendants were given until the end of June to reply. On 20 June publication was granted for 12 July, effectively clearing the way for a hearing.[46]

No conclusion relating to the debt of £20 has been traced.

In the same term (Hilary 1549) that Rose Taverner began her action concerning the alleged debt of £20, she launched a plea against Anthony Robertson for a debt of 80 shillings (R/CP 4) – William Kydd is not mentioned. As with the debt of £20, no *sicut prius* stage has been traced, but *sicut pluries* entries for both cases appear on the same rotulus on the next plea roll, so it is clear that they were being pursued in tandem. However, the action for 80 shillings proceeded no further.

ii. Other Common Pleas Cases

Common Pleas cases that feature Rose Taverner, other than those concerning the long-disputed debt of £20, postdate John's death. None has yet been identified that concerns her under her previous married name of Rose Copley, but the first two cases below refer to her having been executrix for members of the Copley family.

In Trinity Term 1546 Rose Taverner was accused by Arthur Hewer of failing to repay the very considerable sum of £40 (R/CP 1). The debt had clearly been incurred in Norfolk, and it seems more than likely, therefore, that Arthur Hewer was the man of that name who is known to have acted as attorney in some Norfolk cases, and who was involved in other actions laid in parts of Norfolk within 30–40 miles of Boston.[47] Rose Taverner of Boston may therefore have borrowed money from him, but the reference

[45] Stephen Gardiner, who was also Bishop of Winchester, having been re-appointed to that see on Queen Mary's accession in July 1553.

[46] Anon., *The Practick Part of the Law*, 361–2.

[47] In the 1530s an Arthur Hewer (perhaps the same man again) owned property about 18 miles from Boston in Partney (see C 1/828/22), but it does not follow that he and Rose were in contact on that account.

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back to her executorship of the will of the dyer John Copley (presumably her previous husband, who died in 1538) may imply that Rose was being pursued for fees arising from that executorship. The case appears not to have extended beyond the *exigi facias* stage with its prospect of Rose's being waived, and the demand for her to appear a month after Easter Day 1547.

In the summer (Trinity term) of 1547 Rose appears to have been still engaged in Copley family business, this time as executrix of the will of John Copley, beer brewer (R/CP 3). This John Copley was presumably her son who died in 1542 and the young man who had been the subject of correspondence between John Taverner and Thomas Cromwell about his wardship.[48] Rose's case, laid in London, was against Elizabeth Glover, a spinster from Spalding, in respect of a debt of £16. Nothing beyond the initial *capias* stage has been traced, and the circumstances of the original transaction between Elizabeth and Copley are unknown.

Some time before the Glover case, Rose had sued Alice Leeke, widow, and Nicholas Garratt, husbandman, both of Bicker in Lincolnshire, for debts of £6 13s. 4d. each (R/CP 2). The *sicut prius* and *sicut pluries* stages date from the 1547 Easter and Trinity terms respectively (the *capias* stage has not been traced). Rose is now described as administratrix of the goods and chattels of John Taverner 'who died intestate' (as other documents confirm, including the inquisition post mortem). Presumably, in view of the reference to Rose as administratrix (rather than executrix), this money was connected with John Taverner's estate rather than a personal debt arising from a loan that Rose had made. The case then appears to have lapsed.

Over two years later a new case began in Hilary Term 1550 with a *capias* stage involving Alice Leeke as the sole defendant (R/CP 6). The sum now owed was not the sum previously claimed, but £16 13s. 4d. Nicholas Garratt, Alice Leeke's co-defendant previously, is not mentioned, but he appears to have been still alive on 4 June 1554 when he was one of the participants in a marriage settlement on Bridgitt Saunderson.[49]

The *sicut prius* stage from the Easter Term 1550 followed almost impossibly close on the heels of the *capias.* The *exigi facias* stage, with its threat of waiving, appeared in the Trinity Term, without an intervening *sicut pluries.* Nothing further on this case has been found. Rose's attention was already engaged on the dispute with Anthony Robertson and William Kydd.

Christopher Tye

Newly published here is a long sequence of court actions involving Tye. Two of these were heard in the Court of Chancery, the other 25 in the Court of Common Pleas. Most of the latter were actions to recover debts and, in all but two cases, Tye was the defendant. Many of these cases did not reach a conclusion in the Common Pleas, but it is striking that, of the verdicts there that are known, not once did the court find in Tye's favour. He appears to have been a serial accumulator of debts with an inability (or obstinate reluctance) to pay what he owed. Not all the plaintiffs' accusations were necessarily justified, but, over the 30 years from the first known case in 1542 until his death, the total claims against him amounted to over £300.

To understand these court cases in context, we must first outline Tye's received biography. In 1536 he proceeded Mus.B. at Cambridge, claiming ten years' study of music including much experience of composition and teaching boys. Presumably he gained his teaching experience as a choirmaster somewhere, but time has drawn a veil over his earlier history. From March 1537 until February 1538

[48]SP 1/136, ff.133–4. See the facsimile in Bowers, 'Taverner, John', *The New Grove,* 132. See also Benham, *John Taverner*, pp. 14, 271 (Appendix A, where the page numbers are given in error as 113–14).

[49]Elizabeth Cust, *Records of the Cust Family of Pinchbeck, Stamford and Belton in Lincolnshire* (London: Mitchell and Hughes, 1898), 160. Garratt was presumably the Nycolas Garrett who was buried at Bicker on 2 June 1564 (Lincoln, Lincolnshire Archives, Bicker Par 1/1, p. 5). There is no reason to suppose that the John Taverner, husbandman of Uffington, Lincolnshire, mentioned in the marriage settlement, was connected with any of the cases discussed in this narrative.

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he was a lay clerk at King's College, Cambridge.[50] He may have been the *informator choristarum* since he was twice paid for riding out on journeys in search of choristers.[51]

From Michaelmas 1542 he served as *magister choristarum* of Ely Cathedral. He may have done so continuously until his resignation in early 1561, but payments to him are recorded only for the years 1542–1543 and 1546–1547, the receiver's accounts for the remaining years being lost.[52] These are supplemented by evidence of Tye's presence in 1551 at the head of a list of lay clerks.[53] On 3 May 1559 his duties were reconfirmed, with the power to distrain on the manor of Sutton for his stipend. It has been suggested that this document marks the completion of a period of probation following a reappointment in 1558 after a period of absence.[54] In 1545 Tye was awarded the Cambridge Mus.D. degree, which he incorporated at Oxford University in 1548.

Tye's resignation from the cathedral was a consequence of his ordination and his appointment to the rectory of Doddington-cum-Marche, Cambridgeshire. Not content with this, he proceeded to acquire further livings in plurality: Wilbraham Parva, Newton-cum-Capella and Bluntisham in Huntingdonshire (C/CP 22). Additionally, while still a layman, on 7 October 1555 he acquired the parsonage of Yelling, Cambridgeshire, under a lease from the priest John Brydgewater (C/Ch 1; C/CP 10). Wilbraham and Newton were subsequently sequestrated for failure to pay first fruits and Tye resigned them in 1567 and 1570 respectively. Tye also suffered a sequestration at Doddington in 1570 for financial irregularities, although he continued to hold that rectory until his death, which had occurred by 15 March 1573.[55]

Because his career was spent mostly in Cambridge and Ely, it is likely that Tye was born in the eastern counties of England. His Chancery complaint against Benjamin Clere, begun around early November 1568, points to him being an Essex man (C/Ch 2). Clere was one of the leading citizens in Colchester, serving as one of its aldermen from 1540–76 and one of its two members of parliament in 1545–7.[56] In his bill of complaint Tye reveals that his mother's name was Johane and that she had been the wife, and then the widow, of a Thomas Saye of Colchester, Essex. It follows that Tye's father must have died and that Johane had remarried. Tye was claiming the right to a house that, he argued, Thomas and his mother had jointly occupied in Colchester and that Clere had unjustly possessed. Clere replied, probably early in 1569, denying that Thomas and Joan Saye had ever had a joint estate in the house, by which he meant that Thomas had held it alone. Thomas was childless, so when he died the house was inherited by his brother, John Seye of Salcott, Essex. John put one Jherome Songer in possession of the house and Songer had conveyed it to Clere and his heirs. Clere had then leased the house to Tye's mother for life. On her death it had reverted to Clere. On 29 April 1569 the court gave Tye one week to reply to Clere's answer or else pay costs. No record has been found either of a reply, or of costs.

Tye is believed to have had a connection with the court and the Chapel Royal, but its exact nature and extent remain obscure. Samuel Rowley's play *When You See Me You Know Me* (1605) has a scene in which Tye is cast as Prince Edward's music tutor.[57] If, as generally supposed, Rowley was Tye's grandson,

[50]Roger Bowers, 'Chapel and Choir, Liturgy and Music, 1444–1644', in Jean Michel Massing and Nicolette Zeeman (eds.), *King's College Chapel 1515–2015* (London and Turnhout: Harvey Miller Publishers, 2014), 259–83 (p.266).

[51]Ian Payne, *The Provision and Practice of Sacred Music at Cambridge Colleges and Selected Cathedrals c.1547–c.1646: a Comparative Study of the Archival Evidence* (New York and London: Garland Publishing, 1993), 268.

[52]Watkins Shaw, *The Succession of Organists of the Chapel Royal and the Cathedrals of England and Wales from c.1538* (Oxford: Clarendon Press, 1991), 96–7.

[53]Cambridge, Corpus Christi College, MS 120, p. 298, quoted in Payne, *The Provision and Practice of Sacred Music*, pp. 191–3, 253.

[54]Paul Doe, 'Tye, Christopher', *The New Grove Dictionary of Music and Musicians*, ed. Stanley Sadie, 20 Vols (London, Washington and Hong Kong: Macmillan Publishers, 1980), xix, 297–300 (pp. 297–8). The document is printed in full in G[odfrey]. E. P. Arkwright (ed.), 'Mass to Six Voices "Euge bone" by Dr. Christopher Tye', *The Old English Edition* x, (London and Oxford: Joseph Williams and James Parker & Co., respectively, 1893), 17–18.

[55]Arkwright (ed.), 'Mass to Six Voices', 22–3.

[56]Laquita M. Higgs, *Godliness and Governance in Tudor Colchester* (Ann Arbor, MI: University of Michigan Press, 1998), 375, 388.

[57]The whole scene is quoted in Morrison Comegys Boyd, *Elizabethan Music and Musical Criticism*, 2nd edn (Philadephia, PA: University of Pennsylvania Press, 1962), 301–3.

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he may well have heard something to this effect from Tye himself. Even more anecdotal – and untrustworthy – is Anthony Wood's tale about Queen Elizabeth sending word to Tye during a chapel service that he was playing out of tune, whereupon Tye sent word back that her ears were out of tune.[58] Of more substance is Tye's description of himself on the title page of his *The Actes of the Apostles* (1553) as a Gentleman of Edward VI's Chapel.[59] This at least has some independent confirmation: later that year a warrant was issued to the royal wardrobe granting Christopher Tye, Richard Prinse and Robert Goldwyn livery for the forthcoming coronation of Queen Mary on 1 October.[60] Richard Prinse had been a conduct at All Hallows the Great, Thames Street in 1547 and he was perhaps the Prince who, in 1558–9, was a lay clerk at St George's Chapel, Windsor.[61] Goldwyn is identifiable with the Robert Golder who was a conduct at St Mary-at-Hill in 1549–50 and organist of St George's Chapel, Windsor, from *c.*1560 until his death in November 1563.[62] None of these three men features in any of the main personnel lists of the Chapel Royal; nevertheless, they may have had an ongoing association with the choir. For Golder there is some evidence for this in the form of a certificate of residence from 1563, showing him to be liable for taxation within the Royal Household rather than at his London residence in the ward of Faringdon Without, which, his will informs us, was a tavern called the King's Head.[63] At best these men would seem to have been unpaid, honorary members of the Chapel, or, to use David Mateer's word, 'associate' members.[64]

New information provided by the plea rolls reveals that Tye was claiming to be a Gentleman of the Chapel Royal at least as early as Hilary term 1542. This appears in an action brought against him by a London draper called John Stokar (C/CP 1). The description of Tye as a 'Gentylman of the King*es* Chapell' will have been copied from Stokar's original writ and must reflect how Tye had presented himself to Stokar, but it may also mirror the wording in the bill of obligation that Tye signed for Stokar on 13 October 1541. In that year Stokar had allowed Tye to buy cloth worth £1 18s. 8d. on credit and had topped up the debt to £2 by lending him 1s. 4d. in cash. Tye had failed to settle the debt, so Stokar took action to recover his money. Two years later, on 18 October 1543, Tye bought more cloth from a London scissor merchant called William Byrde, this time a quantity of camlet and velvet (C/CP 2). The total cost was £3 7s., but Tye had so far paid no more than 4s. 11d., so Byrde took him to court.

These purchases reflect the need for Tye and his family to cut respectable figures in society, not just in London, but elsewhere too. At Michaelmas 1543 Tye was paid for a whole year as Master of the Choristers of Ely Cathedral, so presumably he had been appointed at Michaelmas 1542. Maybe he squeezed in a year's duty at Ely between his two bouts of cloth-buying in London, or maybe he sent an order to Byrde, but he could also have been dividing his time between the two cities. When Byrde commenced his action to obtain payment in Michaelmas term 1544, he described Tye as 'lately of Ely' (*nuper de Ely*). This does not mean that Tye was no longer there. The '*nuper de*…' was a phrase routinely used to protect a case from failing in the event that a defendant did move after the debt had been incurred or the action commenced.

Further evidence of a Chapel Royal interaction comes from May 1546, when Tye contracted a debt of £3 14s. with a Gentleman of the Chapel named Thomas Waite or Waytte (C/CP 3).[65] When Waite came

[58]Quoted in Sir John Hawkins, *A General History of the Science and Practice of Music*, 5 vols. (London: T. Payne & Son, 1776), iii, 258.

[59]*The Actes of the Apostles, translated into Englyshe metre … by Cristofer Tye, Doctor in musyke* (William Seres, 1553).

[60]Andrew Ashbee and David Lasocki, assisted by Peter Holman and Fiona Kisby, *A Biographical Dictionary of English Court Musicians 1485–1714*, 2 vols. (Aldershot and Brookfield, VT: Ashgate Publishing, 1998), ii, 1108.

[61]Baillie, 'Some Biographical Notes', 50; Edmund H. Fellowes, *Organists and Masters of the Choristers of St. George's Chapel in Windsor Castle* (London: Society for the Promotion of Christian Knowledge, 1939), plate 3 (between pages 14 and 15), 103.

[62]Baillie, 'Some Biographical Notes', 37; Fellowes, *Organists and Masters of the Choristers*, 23–4.

[63]E 115 /173/111; PROB 11/48/339.

[64]Paul Doe and David Mateer, 'Tye, Christopher', *The New Grove Dictionary of Music and Musicians*, ed. Stanley Sadie and John Tyrell, 29 vols, 2nd edn. (London: Macmillan Publishers, 2001), xxvi, 13–16 (p. 14).

[65]Thomas Waite is recorded as a Gentleman of the Chapel Royal between 1543–4 and 15 January 1559: Ashbee *et al.*, *A Biographical Dictionary*, ii, 1120–1.

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to sue him in Easter term 1547, he styled himself a Gentleman of the King's Chapel, but did not accord the same status to Tye, describing him only as a Doctor of Music, lately of Ely. In Trinity term, the exigent calling upon Tye to surrender was sent to the sheriff of Cambridgeshire with an instruction to read one of the proclamations at a quarter session held in the region of Ely, thus suggesting his presence there.

In fact, from then onwards until 1556, all plaintiffs consistently refer to Tye as being of Ely, or of the Isle of Ely, and the exigents were sent to Cambridgeshire. Such data needs to be treated with caution since the way Tye is described in a plaintiff's writ may refer to the date the debt was incurred rather than when the action was commenced. Also, once Tye's location had been cited in the legal records it could not be changed, even if he did move elsewhere. Nevertheless, during this period only one action (C/CP 9) did not quote the date of an agreement and the rest were commenced after 1551, so it does appear that Ely was Tye's principal base during these years.

One apparent exception is illlusory. This is the conditioned bond that Tye signed for William Brewster on 28 September 1553 (C/CP 8). This was allegedly signed in London, in the parish of St Peter, Cornhill, but the location is probably a legal fiction, even though the fictional parish is not the usual one of St Mary-le-Bow. Brewster was of Liston in Essex. He described Tye as being of the Isle of Ely and, in Hilary term 1555, the *capias ad satisfaciendum* entry in the plea roll for the execution of the debt stated specifically that Tye 'lurks, wanders and roams' in Cambridgeshire.

On 2 September 1556 Tye was in Norwich, for there he sealed a writing of obligation for William Wanton (C/CP 13). Four weeks later, he was still (or again) in Norfolk, when on 29 September he signed a conditioned bond for the Ely cleric, John Barker (C/CP 12, C/CP 14): the location is left blank, but the case was laid in Norfolk, suggesting that the bond had been signed there. When, in 1562, William Wanton's brother and executor, Gilbert, began his action to claim the money owed to William, he described Tye as 'of Yelling', and the exigent calling for his surrender was sent to the sheriff of Huntingdonshire. This raises the possibility that, at the time of his Norfolk visit, Tye had been residing at the parsonage in Yelling that he had leased from John Brydgewater on 7 October 1555 (C/Ch 1).

After Tye was presented to the rectory of Doddington in 1561 the actions locate him there. The two apparent exceptions, those of John Dowty (C/CP 7) and Thomas and Elizabeth North (C/CP 16), both of which place him in Ely in Hilary term 1563, are easily explained. Dowty's action was a continuation of one begun in 1553 and the Norths were referring to Tye's actual location when he signed the bond for Elizabeth on 29 January 1559 (rather than the fictional London one cited).

In Trinity term 1564 the *capias ad satisfaciendum* entry for John Chase's debt acknowledges Tye's presence in Cambridgeshire (C/CP 17), but it seems that Tye was still maintaining contact with London, for in his third action, begun in Michaelmas term 1566 (C/CP 19), Chase described Tye as 'lately of London' as well as Parson of Doddington; he had not mentioned London in his earlier actions. Tye was also at Doddington on 12 March 1570 when he signed a conditioned bond conveying the rectory at Bluntisham to Roger Gysse (C/CP 22).

John Brydgewater, whose dispute with Tye was over unpaid rents (C/Ch 1), claimed to be a poor man entirely reliant on the income from the parsonage at Yelling, whilst Tye, to whom he had leased the parsonage, was, he claimed, a man of great substance and riches with good friends and allies. Tye asserted the opposite: he was poor, but Brydgewater was rich and had two benefices – but he did not deny that he was well connected. More or less simultaneously with his Chancery action, Brydgewater sued out two writs in the Common Pleas (C/CP 10), one of which alleged that Tye had failed to honour his undertaking to obtain for him a parsonage or a cathedral prebend. Tye retaliated with a writ of his own (C/CP 11), but did not pursue it beyond the *sicut pluries* stage. Brydgewater's two Common Pleas actions were adjourned in Easter term 1557 for imparlance and were never resurrected. Brydgewater's Chancery complaint collapsed in February 1557 after he failed to file a replication to Tye's answer.

On 28 January 1559 Tye signed a bond for Elizabeth Rich (née Colville) of Isleham, Cambridgeshire, in which he effectively agreed to pay her £2 13s. 4d. not to marry one Master Robert Stuard (C/CP 16).[66]

[66]The Latin 'Mag*ist*ro Rob*er*to Stuard' could be dative or ablative and so is ambiguous, but the dative is the more likely interpretation.

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The husband she chose was the future Sir Thomas North (1535–1603?), son of Edward, first Baron North. Thomas had entered Lincoln's Inn in 1556, but did not proceed to the bar, instead becoming known as a translator of books. Apparently always short of money, he had connections with the court and his translation of Plutarch's *The Lives of the Noble Grecians and Romanes* is acknowledged to have influenced Shakespeare.[67] Elizabeth had married Thomas by 1562, but Tye did not pay up as promised, so in an attempt to claim the money, Elizabeth took him to court. Being a married woman, she could not take legal action in her own right, but only through her husband, which is why the writs were issued in both names. Elizabeth must have died by 1582 when Thomas's brother gave him money for wooing. His third wife was the widow Judith Bridgwater, daughter of Henry Vesey of Isleham.

The Robert Stuard mentioned in this bond was almost certainly the Robert Steward of Lakenheath, Suffolk, who in 1553–4 was pursued by William Baxster for a penalty of £6 13s. 4d. following non-payment of a conditioned bond for £4 that Steward and Tye had both signed on 5 July 1551 (C/CP 6). Isleham and Lakenheath are only ten miles apart. In early 1554 Steward pleaded. A trial was arranged at Norwich Castle, but Steward failed to appear and judgment was awarded against him together with £1 2s. 4d. damages. On 6 November Baxster confirmed that the debt and damages had been paid. Tye's role in this is unexplained, but one possibility is that he was acting as a guarantor for Steward. Did the two fall out over this episode?

Tye also had dealings with one of the Barons of the Exchequer, Nicholas Luke of Cople, Bedfordshire. On 3 June 1556 he signed a conditioned bond in which he agreed to pay Luke £12 for the benefit of Anne Digby of Longstanton, Cambridgeshire, wife of Simon Digby (C/CP 15).

During his Doddington years, drapers and clothworkers feature prominently among Tye's creditors. During 1563–4 the Cambridge draper John Chase sued out two writs in respect of bonds that Tye had signed in October 1562 and then a third for another bond signed in December 1565 (C/CP 17, 18, 19). In addition to Chase there was the draper Richard Richardson of Upwell, Cambridgeshire, who in 1568 successfully prized a penalty of £5 out of Tye for failing to pay a debt of only £2 2s. 6d. (C/CP 20), the London clothworker Thomas Hopkins in 1571 (C/CP 23) and, in the autumn of 1572, the draper Simon Cage of Bury St Edmunds, Suffolk (C/CP 24).

When Anthony Wood penned his anecdote about Tye's organ playing he included the comment that Tye was a 'peevish and humoursome man, especially in his latter days'. Perhaps there was a grain of truth there. Tye cannot have been an easy man to deal with. Presumably he paid Chase's two claims of 1563–4, otherwise Chase might not have dealt with him a third time. Tye may also have settled other cases out of court, but there are some where he patently did not and the plaintiff had to resort to enforcing the court's judgment (C/CP 1, 13, 23). In 1554 the Common Pleas awarded the London fishmonger John Dowty his debt of £6 6s. 8d., plus damages of £1 10s. 6d, but still Tye did not pay and, after a hiatus of nine years, Dowty had to renew his claim (C/CP 7). In 1571 Ralph Dyxon went so far as to threaten Tye with violence in order to make him sign a bond – or so Tye's attorney claimed (C/CP 21).

Cage was Tye's final creditor to register a claim. Neither his case, nor that of the cleric Richard Lynborowe earlier in the year (C/CP 24), proceeded beyond the initial entry in the plea rolls.[68] Was Tye's health failing? Back in 1556 it appears he had been unwell. In that year the Court of Chancery issued a writ of *dedimus potestatem* to Robert Steward, dean of Ely, and Robert Payton, esquire, empowering them to interview Tye and collect evidence relevant to Brydgewater's bill of complaint (C/Ch 1) because 'the same Christopher appears so weak that he is unable to travel all the way to our aforesaid court of

[67]Tom Lockwood, 'North, Sir Thomas (1535–1603?)', *Oxford Dictionary of National Biography*, online edition, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-20315> (accessed 4 July 2022).

[68]Given the similarity of their names, one wonders whether Richard Lynborowe might be the same man as the Richard Wynborowe, clerk, who was involved in the sequestration of Doddington in 1570: Arkwright (ed.), 'Mass to Six Voices', 23. A Richard Lynborowe was a curate at Milton-next-Gravesend, Kent, in September 1565 and vicar of Eynsford, Kent, from October 1575 to July 1579; see <https://theclergydatabase.org.uk/jsp/locations/index.jsp?locKey=261> and <https://theclergydatabase.org.uk/jsp/locations/index.jsp?locKey=141> (accessed 4 July 2022).

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chancery'. If there was any truth in this, Tye's disablement cannot have been permanent, for Chase was later able to describe him as 'lately of London'.

Tye was dead by 15 March 1573 when his successor at Doddington was appointed and it is thought that he probably died a few months previously. Unfortunately there is nothing in the plea rolls that allows us to refine this estimate. He was probably still alive in early 1572 when his attorney appeared in court on his behalf (C/CP 23), but he might have died at any point thereafter. Neither Lynborowe nor Cage would necessarily have known the state of his health when commencing their claims, but they might have received information from the sheriff with his answers to their writs that discouraged further action. Whether they renewed their claims on Tye's estate in 1574 or later remains to be researched, but nothing further happened during 1572–3.

There can be no doubt that Tye had financial problems for the last 30 years of his life. Whether his debts were the consequence of avarice, a chaotic personal life, or something else we may never know, but Tye's wife, Katherine, was once concerned enough to approach the Bishop of Ely, Richard Cox. Towards the end of his life, a number of complaints were levelled against Cox. The first of these was that Tye had made a bond to grant a lease of the Doddington parsonage at half the value of the rent. The bishop replied:

> I know of no such Bond, that Dr. Ty made at any time, saving a bond, that I had of him at the Request of his Wife, that he should not let any Part of his Benefice without my Consent, but from Year to Year.[69]

It is often pointed out that Doddington was one of the richest livings in the country, but its value to Tye has been overstated. Arkwright took issue with this claim in 1925, pointing out that, during the sixteenth century, 'that very extensive parish was for the most part a stretch of swamp, of no interest to the tithe collector.'[70] It was only with the draining of the fens in the next century that Doddington parish began to become positively rich. In 1535 the *Valor Ecclesiasticus* reckoned its worth to be £22 4s. 11d. This was hardly poor, but neither was it exceptional. Even within the Isle of Ely it was only the third most valuable living.[71] Nevertheless, if Doddington's income was of a broadly similar order in 1561, then, even allowing for the pension of £2 4s. 6d. payable to Cox from 1562, it would have been worth a good deal more to Tye than the £10 he was receiving as Organist and Master of the Choristers at Ely.[72] The regularity with which Tye failed to settle his debts and his exchange of a church music career for the income from multiple livings arguably support the conclusion of Paul Doe that

> The scant evidence of his character suggests that he was perhaps an opportunist, who liked life at the court, was not prepared to carry his Protestant principles to the extent of sharing the Marian exile of his patron, Cox, and who finally adopted the priesthood as a means of easy retirement rather than as a vocation.[73]

Our appreciation of any composer's music can be greatly enhanced by an understanding of the person who created it and of the world in which he or she lived. Yet insight into the private lives of Tudor musicians is a privilege we are rarely granted. We know a good deal about Thomas Whythorne and William Byrd, but we could hardly claim to know any of their contemporaries and predecessors very well. We glimpse a little of Taverner's human side during his brush with Lutheranism at Oxford and from his non-musical activities in Boston as revealed in his letters to Cromwell. Much less has been known of Tye.

[69]John Strype, *Annals of the Reformation and Establishment of Religion*, 3 vols. (1725–8), ii, appendix, 90.

[70]G[odfrey]. E. P. Arkwright, 'Christopher Tye' [letter to the editor], *The Musical Times*, 66 (1925), 930.

[71]Britsh History Online, <https://www.british-history.ac.uk/vch/cambs/vol4/pp110-116#anchorn76> (accessed 4 July 2022).

[72]Arkwright (ed.), 'Mass to Six Voices', 17–18.

[73]Doe, 'Christopher Tye', 299.

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That Tye subscribed to the Protestant faith is clear enough and the quantity of consort music that he wrote suggests a musically active social environment, but of his character we know next to nothing.

The information presented here is a reminder that composers' social contacts could extend some distance beyond the town or city in which they were employed. What now becomes the earliest known sighting of Taverner reveals that in June 1523 he was, rather surprisingly, in Horsham, buying a horse. In late 1537 we find him in debt to Edmund Rouse of Ipswich to the tune of £133 6s. 8d. The reasons for this are unknown, but it may be noted that it was around this time (1536–7) that Taverner is thought to have retired from church music.[74] Also, we now have a firm date for Taverner's marriage to Rose Copley, 10 September 1539. Rose seems to have been a formidable person, judging from the actions involving herself and Anthony Robertson. Tye is shown to have had contacts not only, as we would expect, in Cambridge, Ely and London, but also in Norfolk (Thetford and Norwich), Suffolk (Lakenheath and Bury St Edmunds), Essex (Liston), Bedfordshire (Cople – although in this case the contact may have been made in London), Cambridgeshire (Isleham and Upwell) and Hertfordshire (Ashwell and perhaps Royston). His adversaries comprised drapers, a clothworker, a scissor-merchant, a fishmonger, clerics, a lay clerk, an attorney-at-law, a Baron of the Exchequer, the wife of an esquire and men of gentleman class. We also now know the name of Tye's mother and that, at the end of her life, she was living in Colchester.[75] These discoveries broaden our knowledge of these two composers and hopefully open avenues for further research.

Supplementary Materials. To view supplementary material for this article, please visit http://doi.org/10.1017/rrc.2022.5.

[74]Roger Bowers, 'Taverner, John (*c*.1490–1545)', *Oxford Dictionary of National Biography*, online edition, <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-27004> (accessed 4 July 2022).

[75]Joan Saye was buried at St Leonard's, New Hythe, Colchester on 24 September 1568: Essex Record Office (ERO) D/P 245/1/2, burials, p. 4. Her will (Essex Record Office D/ACR 6/87) reveals that Tye had two siblings: a brother called George and a sister, Joan.

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