

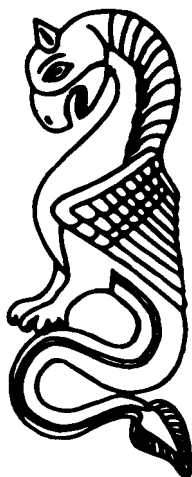
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John Rastell v. Henry Walton

Janette Dillon

A set of legal documents recording a lawsuit between John Rastell and Henry Walton in the Court of Requests has long been known to theatre historians. The documents may be dated, on internal evidence, to 1530-31. (One of the deponents refers to 'the kinges banket . . . at Grenewiche' as 'iii or iiii yeres past', a reference to the visit of the French embassy to London in 1527.) The case concerns some costumes belonging to Rastell, which he left with Walton for safekeeping while on a visit to France. When Rastell returned Walton spent a period of two to three weeks promising and failing to hand over the costumes, during which period he in fact filed a suit for debt against Rastell and retained the costumes against the debt. Putting together Walton's testimony with that of other witnesses on his behalf, the debt seems to represent payment owing to Walton for his construction of a stage 'in Restalles grounde besides fyndesbury [Finsbury]' some years earlier. The documents are therefore very important for theatre history in several respects. They shed light on a period of theatre history about which very little is known, and the detail they contain about the cost and location of one particular London stage, the costs and customs of costume hire and the players who played on that stage are highly suggestive, if not entirely clear in their implications, which I have pursued at more length elsewhere.¹

On consulting these documents in the Public Record Office, long familiar since Alfred W. Pollard anthologised them in 1903, following Henry Plomer's first publication of them in 1898,² I found that not only were there numerous errors in Plomer's transcription, but that he had entirely omitted one document from the set (presumably because it is by far the most difficult to read). Pollard evidently printed from Plomer's published version without going back to the documents himself, as he retains all Plomer's errors and adds new ones of his own. Given the significance of the documents for theatre history, this seemed to offer good reason for publishing a more full and accurate transcription of the documents, printed below.

Plomer's omission of one of the documents, together with his decision to

number two of the documents as one (the parcels confessed by Walton and the interrogatories for Fishpole) and his presumably accidental doubling of the number 'IX' (see note 53 below), has necessitated renumbering the documents, but in each case I have added the Pollard numbering for readers who want to compare the text below with the most accessible printed version to date.³ I have also given the folio numbering added to the documents a later date (several of the documents are written on one side only). The sequence of the documents cannot be absolutely determined, but Plomer's arrangement seems to be broadly correct.

The documents are written in several hands, and I have indicated at the head of each document which hand or hands I think responsible. I have retained original spelling and punctuation throughout, though this results in one or two peculiarities which require explanation. Upper case 'K' and 'W' are virtually indistinguishable from lower case, so I have transcribed in lower case throughout unless upper case is certain. Upper-case 'A' appears in unlikely places, including once in the middle of a word. One scribe (Hand 3) frequently reduces minims to little more than a horizontal line; where not even this indication is present I have supplied missing letters in square brackets.

Expansions are underlined; words written above the line appear within pointed brackets; square brackets are used for occasional emendations; and where there are deletions or erasures I have indicated this in notes. Since the only punctuation mark regularly used is the virgule, I have ignored occasional apparent instances of other forms of punctuation, which are easily confusable in some cases with mere marks of the pen.

[The documents in the case of John Rastell v. Henry Walton]

1 [fol. 15r; Pollard I; Hand 1]

To the kyng our souereyn lord

Humbly complaynyth vnto your gracious highnes your pore oratour & humble subiect John Rastell that where your seyde oratour delyuerd to one Henry walton certeyn parcelles of stuff & goodes to the value of xx markes sauely to kepe to the vse of your seyde oratour that is to sey A pleyers garment of grene sarcenet lyned with red Tuke & with RomAn letters styched vpon it of blew & red sarcenett & an other garment paned⁴ with blew & grene sarcenet lyned with red bokeram & an other garment paned lykewyse and lyned as the other with A cape furred with white Cattes & an other

garment paned with yelowe grene <blew> & red sarcenet & lyned with red⁵ bokeram / An other garment for A prest to pley in of red Saye & A garment of red & grene Saye panyd⁶ & gardyd with golde skynnes lyned with red bokeram And A shorte garment of gold skynnes & fustyan of Napes⁷ blak And sleved with red grene yellow & blewe sarcenet And An other garment spangled of blew saten of bryges And lyned with grene sarcenet Also ij old shorte garmentes payned of saten of bryges & of sarcenet of Dyuers Colours in the bodyes Also A womans garment of grene & blewe sarcenet chekred & Lyned with red bokeram Also ij cappes of yelowe & red sarcenet & ij curtens of grene & yelowe sarcenet Also ij <long brode> peces of blewe lymen cloth with lyre⁸ in them Also iij peces of oper syluered lymen clothes Also An long brode pece/of⁹ Red bokeram which seyde stuff & goodes the seyde walton promysyd to delyuer Agayn to your said orator when<so>euer he shuld be by your said orator perto Requiryd whych said stuff & goodes after the said delyuere to hym made the seyde walton occupied at his pleasure by the space of halff A yere & more duryng the tyme pat your said orator was in the partees beyonde the see in fraunce After whose commyng home your seyde orator Demandyd of the seyde walton relyuere of the said stuff & goodes to whom the said walton Answerd & seyde that he wold bryng hym home the said goodes & stuff yet pat not withstondyng he brought to hym no parte perof but droue hym forth from tyme to tyme by the space of ij or iij wekes duryng which tyme the said walton vnknowyng to your said orator which was eury day contynually in the said Cyte & conuersant & in company with the said walton craftely falsly by the subtell Aduyse & consell of A clerke of the mayres courte in the Cyte of London & by A seriaunt of the same <court> enteryd A fals feynyd pleynt put in byll in the said courte Agaynst your said orator supposyng that your said orator shuld owe to the said walton xls sterling wherin <in>dede your said orator owyd hym neuer A peny & by the custome of the said Cyte made Attachment of the said goodes & stuff beyng in his own handes & causyd that one John wykynson playsterer & one Thomas curttees were Assygned to be praysours which wykynson at the request & desyre of the seyde henry praysyd the seyde goodes & stuff but to the valew of xxxvs ixd which goodes & stuff at that tyme were well worth xx markes & Aboue Appon which praysement the said henry had Jugement to recouer the said goodes & stuff for the which your said orator can neuer haue remedy by cours of the commyn Lawe & though your said orator within the yere did put in surete to Answer to the said pleynt & byll & to disproue the said Accion yet your <seid> orator coude neuer nor shall neuer by the order of the commyn Law there recouer Agayn the said stuff & goodes but shall recouer no more for them but only the somme wherfore they were praysyd which is but xxxvs ixd as is beforesaid & so hath & shall by such falshede subtelte &

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dysseyte of the said walton & of the said wykynson & curteys which were prayrs losse xj or xij^{li} 10 or Aboue & is without remedy þerefor for euer except your gracious highnes be shewd to hym in this behalff In consyderacion wherof it may please your grace & your most honourable counsell to command one of your offycers of Armes to goo to the seyde henry walton & to the seyde John wykynson & thomas curteys & to command them in your name to Appere before your grace and your honourable counsell at westminster there to Answer to the premisses & ther to be dyrectyd Accordyng to ryght & good consciens & your said oratour & subiect shall dayly pray for the preseruacion of your royall estate Long to endure

[signed] John Rastell

2 [fol. 14r; Pollard II; Hand 2]

The Aunswer of henry walton to the byll of Complaynt of John Rastall
Gentilman /

The seid henry walton by protestacion seith that the seid goodes in the byll of Complaynt of the said John Rastall mencyonyd be not of so great value as in his said bill of Complaynt is supposyd / And seith that the seid bill of complaynt is incerten and insufficient in the lawe to be answeryd vnto / and the matter therein conteignyd fayned & craftely ymagyned to thentent to put the seid henry walton to great¹¹ costes & expencys / Neuertheles for <answer and> declaracion of the trowthe the seid defendent saieth that it apperith by the byll of the seid Complaynaunt that he hathe no cause of accion in this honorabill Courte / for it apperith by his byll of Complaynt that the said goodes be Recoueryd in the kynges Courte holdyn before the mayre & Aldermen of the Citie of london accordyng to the Custome of the seid Citie / And funder the defendent sayeth that he brought an accion of dett ayenst the said John Rastall of xls in the seyde Courte / And he the seid henry walton havynge in his own keypyng the seyde goodes in the seyde byll of Complaynt supposyd / attachyd them in his owne handes accordyng to the Custome of the seid Citie / which goodes wer Afterward by the commaundement of the said Courte / by the seyde John wykynson and Thomas Curtes / wer prayrsd at xxxvs ixd / And wher the said John Rastall¹² in his said bill of Complaynt seyth that the goodes aforeseid wer prayrsd mych unde[r their]¹³ value th[e] seid he[nry wa]lton seyth that they wer prayrsd to as myche as they

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at th[e t]yme of the praysment wer worth And wher the said Complaynaunt in his seid bill of Complaynt seyth that he oweth not the seid defendent the said xls / and is without remedye / The seid henry walton wyll averr that the said John Rastall owyth <hym> the seid xls / And also the seyde henry seythe that the seyde John Rastall myght haue come yn to the seyde Courte holdyn byfore the mayre & Aldermen aforesayd within the the yere and the day accordyng to the Custome and ther to haue put in sureties / and so to haue dissolvid the attachement / but hath sufferyd and sursesyd¹⁴ his tyme / And the seid henry walton shall averr <that the seyde goodes> wer of no more value then they wer praysed at / for they wer rotten and torne players garmentes / Wythout that that the seyde henry walton craftely or falsly and by subtyll avyse of his Counsell commensyd the seyde accion ayenst the seyde John Rastall in maner and forme as he in his said bill vntruly hath alledgyd / And without that that any thyng beyng materiall or¹⁵ effectuell in the seid byll otherwise then¹⁶ in the said aunswer of the seid henry is alledgyd ys true / And in asmyche as the seid goodes be lawfully Recoueryd in the kynges¹⁷ Courte holdyn byfore the mayre & Aldermen in the Citie of london aforesayd beyng A Court of Record / the which Recorde cannot be vndon without error or attaynt / Therefore the seid henry walton praieth to be dismyssyd owte of this honorabyll Courte with his resonabyll Costis and expensis for his wrongfull vexacion &c

[unsigned]

3 [fol. 13r; Pollard III; Hand 1]

The replycacion of John rastell to the Answere of Henry walton

The Said John Rastell seyth pat his said byll is trewe & certayne & suffycient to be Answerd vnto & matter determynable in this Honourable courte & wyll Auer euery thyng to be trew contayned in the said byll off compleynte & that the said Answere is vncertayne & insuffycient to be Answerd vnto & matter feynyd & vntrew And forther sayth that the said John rastell as sone as he had knolege pat the said walton had commensyd the said Accion of dett of xls in the said mayres courte in London the said rastell came in to the said court & there put in suretie to the said Accion wheruppon the said walton declared Agaynst the said rastell that the said rastell shuld owe to pe said walton xls for pat that the said rastell confessyd hym selff in the Said Cyte of

london to owe to the said walton xls to the whyche¹⁸ the Said rastell Answerd & tendyd hys Law Accordyng to the custome of the said Cyte that He owyd no thyng to the said walton in maner & forme as the said walton Agaynst Hym declared wherby the said walton perseyuyd þat uppon the said plee & tender his said Accion shuld be dyssolued / demurryd in law uppon the same plee whych demurrer what for Lake that the recorder of the said Cyte & oþer consellours can haue no conuenyent tyme to Argue the said matter & Also for Lake that the consell for the said walton was not redy when the said matter of Law shuld be Argued the said matter as yet doth depend ther vndycussyd But yet the said John rastell sayth þat yf the said matter be dycussyd & Juggyd for the said rastell as vndowtydly it wyll be / yet the said rastell by the custome of the said Cyte shall neuer recouer Agayn hys said Godes nor stuff but only xxxvs ixd for the said stuff so that in the said court he hathe no oþer remedy nor recorde to ponysshe the said walton nor the said prayrsers for theyr said dysseyt & falsehed in prayrsyng of þe said godes & stuff At xxxvs ixd whych were worth at that tyme xx mark & Aboue as in the said byll off compleynte is Alegyd / For the grete parte of þe said goodes were garmentes of sylke & oþer stuff Freshe & newly made with moche workmanshype done vppon them to the grete cost & charge of your said oratour without þat þat the said goodes were at the tyme of the said praysment¹⁹ of no more value than they were prayrsyd at / And without that þat they were <þan> rottyn & torn pleyers Garmentes / For the said rastell seyth that the said walton Hath Lettyn them owt to hyre to dyuers stage pleys & interludys & hath reseuyd & had for the hyre of them syth the said praysement of them the somme of xx nobles or Aboue And without þat þat Any oþer thyng materyall or effectuall in this said Answer Aleggyd necessary to be replyed vnto is true All whych matters your said oratour is redy to proue & Auer as this court wyll Award & prayeth as he prayed in his said byll

[unsigned]

4 [fols 9v-10r; Pollard IV; Hands 3, 4]

the parcelles confessyd by walton

²⁰

In primis a pleyers garment of grene lynyd with red tuke & with romayn letres stytychyd vppon hyt²¹ of blew &²² red sarcenet

viiij yardes xxijs²³

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fysshpole	Jt[em] on <u>oper garment</u> ²⁴ paned <u>wi<u>th</u></u> blew & grene sarcenet lyned <u>wi<u>th</u></u> red bokeram	vij yardes	xxs
fysshpole	J <u>tem</u> An other garment paned lykewyse & lyned as the other <u>wi<u>th</u></u> A cape furred <u>wi<u>th</u></u> whyte cattes	vij yardes	xxs
fysshpole	J <u>tem</u> An other garment <panyd> ²⁵ <u>wi<u>th</u></u> yelow grene red & blew sarcenet & lyned <u>wi<u>th</u></u> old red bokeram	viiij yarde	xxijs
	J <u>tem</u> An other garment for A preste to pley in of red saye	xij yardes	viijs
	J <u>tem</u> A garment of red & grene saye paned & garded <u>wi<u>th</u></u> gold skynnys lyned <u>wi<u>th</u></u> red bokeram	xij yardes saye & xij ²⁶ yardes bokeram	viiijs
	J <u>tem</u> A shorte garment of gold skynnes & fustyan of napes blake & ²⁷ sleved <u>wi<u>th</u></u> red grene yelowe & blew sarcenet ²⁸		
²⁹	J <u>tem</u> An other garment spangled of blew saten of breges And lyned <u>wi<u>th</u></u> grene sarcenet whych cost rastell ³⁰		xxs
fysshpole ³¹	J <u>tem</u> ij old shorte garmentes paned of saten of breges & of sarcenet of dyuers colours ³² in the bodyes		xxs
fysshpole	J <u>tem</u> A womans garment of grene & blew sarcenet chekked & lyned <u>wi<u>th</u></u> red bokeram		xxiiijs
	J <u>tem</u> ij cappes of yelowe & red sarcenet		iijs iiijd

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Jtem ij curtayns of grene & yelow sarcenett

xx yardes ls

Jtem ij peces of blew lynen cloth with lyre in þem

lxxij yardes xvs

Jtem iij peces of old sylugred lynen clothes

xs

Jtem An old remnant of red bokeram³³ þat was about my lord
cardynalles gret chamber

xxx yardes vjs viij

5 [fol. 10r continued; Pollard IV continued; Hand 3]

Intter[o]gatoryes for fyshpole

Jn primis wheþer fysshpole know any of þe seyð garmentes

Jtem³⁴ whyder fysshpole made þe ij long gownes of sarcenet down to þe grow[n]d / & one grene gown to þe fall of the legg with wyde sleuys of sarcenet³⁵ & whyther euery of them conteynyd not seuen or viij yardes of sarcenet / & wheþer euery of them were not better þan xxs a pese³⁶ & whyþer <yf> such garmentes were made of new stuff wold not haue cost almost twys as much money

Jtem wheþer þat fysshpole made not a³⁷ womans gown of sarcenet of small peses³⁸ & wheþer it was not worth xxs & better

Jtem wheþer he made not ij oper short garmentes³⁹ with wyde sleues of smalle <pesis> & whyþer they wer not worth xs or a mark a pese

Jtem how long fysshpole was in making of them & wheþer he had not þe whyle iiiij a day & mete & drynk / & wheþer⁴⁰ rastells wyf & hath help hym to sow them

Jtem wheþer walton hath not þe same garmentes let to hym by rastell & whyþer

walton hath not contynually this iiij yere sett⁴¹ them to hyre in stage pleyes & interludes⁴² aboute iij or iiij skores tymes & what he vsyd to haue for a stage pley & what for an interlude / & how mych money he hath won therby

Jtem what þe short spanglid <garment> of blew saten of bryges was worth & what euery oper garment <& pese> was woorth

6 [fol. 10v; document omitted by Plomer; Hand 3]

Interrogatories for your deponentes

In primis wheþer thise deponent k[n]owyth the seyde garmentes expressed in þe byll of compleynt / & before wrytyn

Jtem what euery of the garmentes were worth

Jtem wheþer walton did set out all the seyde garmentes to hyre to stage pleyes & interludes this iiij yere <aboute iij or iiij skore tymys> & what he vsyd to take for them at an interlude & what at a stage pley

Jtem wheþer the iiij gownes of sarcenet & þe womans gowne & þe short garment spanglet wer not worth xxis a pese & better that is to sey [...] ⁴³ those vi garmentes at vi^{li} <vis> & iiiid & whyþer they were worth almost as mych more yf they shuld made all of new stuff

Jtem whyþer the curteyns of silk were not <worth> better than ls

Jtem wheþer all þe resydew of þe stuff were not worth xls & better or what they exsteme them worth

7 [fol. 8r; Pollard V; Hand 3]

Interrogatorye ex parte rastell

Item wheper⁴⁴ about iij or iiij yeres now past about whych tyme þe kynges grete banket was At grenewych whyper þis deponent saw the seyde garmentes occupied þat somer in dyuers stage pleyes & interludis by þe lettyng to hyre by walton <as it was reportyd> / & at that tyme they were fressh & new & semyd lytyll the wors for any weryng of them before⁴⁵

8 [fol. 11r-11v; Pollard VI; Hand 5]

Deposicions for the parte of John Restall against Henry Walton

William Fisshepole of london taillour of the age of lx yeres and aboue sworne and examyned vpon his othe / Sayth that he made ij long gownes downe to the growne / of sarcenet / oon of them of blewe and yelowe sarcenet lyned with rede tuke or rede bokram / whether of thesame lynyng / he now remembreth not / and a nother of grene sarcenet but whether it were lyned or not he remembreth not now / whiche gownes commyng to hym in peces conteigned in euery pece vj elles or therabouts / And also he sayth that if he shuld haue bought out of the mercers shop euery ell wold haue cost vs / and he sayth that euery gowne was worth xxs and aboue / And also he sayth that he made a garment for A galant with wyde slewes / the oon <side> of rede and yelow sarcenet / and the other side blewe and rede lyned with rede tuke or rede bokram / which was a gostly⁴⁶ garment better than xxs / And if thay had been bought of new stuff it wold haue cost moche more money / And also he sayth he made a womans gowne of sarcenet blew and yelow as he remembreth / and it was made in quarelles or losenges he remembrith not whethre and was a besy work / and maistres restall did help to sewe that and parte of the galantes gowne also / and it was lyned with rede tuke <or bokram> and garnysshed with golde skynnes as he remembreth and it was better than xxs / and it was worth anoble the making / And how long he was in making of them he remembreth not but he had iiijd by the day mete and drinke / And further he sayth that he hath hard saye that thesaid Restall lent to walton thesaid Garmentes and that he vsed them in stage pleyes / And further he sayth that there was a shorte spangeled garment of blew saten of briges and was lyned with grene sarcenet whiche

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was better than any of the other garmentes / whiche he made not / but euery oon of them oon with another were better than xxs / and more he knoweth not herin /⁴⁷

[signed] per me Wylliam Fychpolle

9 [fol. 1r; Pollard VII; Hand 5]

George Mayler of london merchauntaillour of the age of xl yeres sworne and examyned vpon his othe Sayth that he knew thesaid Garmentes but how many there be in nombre he remembrith not for he hath occupied and played in tham by the lending of walton / and he sayth they ware worth xxs a pece and better / And he sayth he knoweth well that he lent thaim out about a xx tymes to stage playes in the somer and interludes in the winter / and vsed to take at a stage play for them and other sumtyme xld somtyme ijs as they couth agree / and at an interlude viiij for euery tyme but how many tymes he perfitely knoweth not but by estimacion xx tymes a yere in enterludes And he sayth that he hath seen the curteyns of sarcenet but how many elles they conteyned he knoweth not but it was worth xld euery ell / and he sayth that he had bokeram and tuke but how many yerdes he knoweth <not> / but it was better than ijd a yerde /⁴⁸ and further he sayth that the somer when the kinges banket was at grenewiche he sawe the same garmentes occupied in diuerse stage pleyes and occupied parte of them himself by the lending of othre players that walton had lent them to <to hyre> whiche than were freshe and litill worse for the waring / and more he knoweth not

[signed] per me george Mayller

10 [fols 1v-2r; Pollard VIII; Hand 5]

George Birche of london Coriar of the age of xxxij yeres or theraboutes sworne and examined sayth / that he knewe well a players garment lyned with rede Tuke and stiched with romayne letres vpon it <of> ⁴⁹ blew and rede sarcenet / Another garment paned with blewe and grene sarcenette lyned with rede bokeram / and another garment panid with yelowe grene red and blew sarcenet lyned with olde rede bokram / anothe

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garment spangeled of blew saten of briges lyned with grene sarcenet / And a womans gowne or garment of grene and blewe sarcenet chekked and lyned with red bokram in whiche garmentes this deponent and his company played in while thay remayned in thandes of thesaid Restall /⁵⁰ / And he sayth that euery garment oon with a nother were worth twentie shillinges / And that walton did lette out the same garment to hyre to stage playes and enterludes sundry tymes but how many tymes he knoweth not / And further he sayth that the common custume is att an Entirlude viijd for the garmentes and at a stage play as the parties can agree And he sayth if they had been made of newe stuff thay had been moche more worth / And he sayth he sawe the curteyns of sarcenet but how many elles they were he knoweth not / but euery ell was worth iijs /⁵¹ / And further he sayth that about iij or iiij yeres past whan the kinges banket was at Grenewiche that somer he sawe thesaid garmentes played in iij or iiij tymes by the lendyng of thesaid walton / and at that tyme they semyd freshe and good garmentes and more he knoweth not /

[signed] per me george byrche

11 [fol. 2v; Pollard IX; Hand 5]

John Redman of london stacioner of the age of xxij yeres sworne and examyned vpon his othe sayth that he knew thesaid garmentes but how many was of them he remembrith not / and this deponent playde in thesame diuerse tymes whan walton had thaim / but what they were worth he knoweth not but thay were litill worse than newe And this deponent sayth that he knoweth that thesaid walton diuerse tymes lent them out / but what hire he had for them he knoweth not neither in Stage play nor in interludes / but asto the vi garmentes that is to saye iiij gownes of sarcenet a womans gown and a spangelet garment ware good fresshe and litill the worse for the occupieng <whan he knew them first in waltons handes> and by estimacion they were worth xxs a pece for they were lyned and garded parte with gilt leder / and the curteyns of silk were freshe and newe / and there were garmentes of dornykes⁵² and saye whiche he well remembrith and more he can not saye /

[signed] per me John Redman

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12 [fol. 5r; Pollard X; Hand 6]⁵³

The interrogatories of Henry walton aganste John Rastall wherevpon witnessys to be
examined /

First wheder the seid John Rastall dyd awe any suche somm of money as within the
Aunswere of the seid walton is alleged & surmitted⁵⁴

Jtem wheder the seid walton made lawfull attachement of suche goodes as are
comprised within the bill of complaynte of the seid John Rastall

Jtem wheder the said goodes where indifferently praysed by indifferent persons electe &
chosyn by lawfull officers within the Citie of london to be praysors therein

Jtem what & how moche of valew the seid goodes were praysed vnto

Jtem wheder the seid goodes were lawfully recouered by the Custome & lawe of the
seid Citie of london

Jtem wheder the seid goodes were deliuered vnto the aboue named Henry walton by
lawful <officers> of the same Citie of london

Jtem wheder the seid goodes were of any more valew or substance than thei were
praysed vnto

Jtem wheder the seid goodes were fresshe And new⁵⁵ as is surmised iniustely by the
bill of Complaynt of the seid Rastall

[fol. 5v]⁵⁶

The ...⁵⁷
of henry
walton

William Knight

Janette Dillon

Nicholas Sawyer
Roger Tailleur
Thomas Curtes

13 [fol. 3r; Pollard XI; Hand 5]

deposicions for the partie of henry walton against John Restall

William Knight of London Laten founder of the age of lvj yeres sworne or examyned vpon his othe sayth that walton did make of new for stages⁵⁸ and stage players as moche as by estimacion / esteemed by this deponent and william Sayer at ls in bourde tymber lath / nayle / Sprigge and daubing whiche thesaid Restall shuld haue payed to thesaid walton by thaire abitrement / which were chosen indiffrently by them bothe / and than restall sayed it was to moche / and aftrewardes thesaid Restall arrested thesame walton / and moche besynes was bitwene them / and <as> to the seconde ijde iijjth vth and vith Interrogatories he knoweth no thing / And to the viith and last article he sayth that thesaid Restall had certain Garmentes for players whiche were made of old Sercenet / but how many he knoweth not nor he dothe not exteme the value of them nor any of them / and more he knoweth not

[signed] per me wylliam knyght

14 [fol. 3v; Pollard XII; Hand 5]

Nicholas Sayer of london Skyunner of the age of xlix yeres or therabouts sworne and examyned vpon his othe sayth that he and william Knight were desired by thesaid Restall and walton being at the mytour in Chepe to vieu suche costes as the said walton had doon in making of stages for player in Restalles groundes besides fyndesbury in tymbre bourde nayle lath sprigge and other thynges whiche they esteemed and iuged at ls that Restall shuld paye to⁵⁹ thesaid walton and vpon payment of thesame ls / thesaid walton to Rendre suche Garmentes as he had in his keping to thesaid Restall / And he sayth he sawe the garmentes / and there were noon of them of new stuf to his knowlege⁶⁰ / nor what the value of tham were / and more he knoweth

not

[signed] per me Nicholam Sayer

15 [fols 3v-4r; Pollard XIII; Hand 5]

Roger Taillour of london Laten founder of the age of xl yeres sworne and examyned / vpon his othe / he saythe / he made parte of thesaid players Garmentes and somme of tham ware made of Saye and somme of Sercenet / whiche were not at that tyme of new stuf for thay had been occupied in othre besynes / and thay were occupied iij or iiij yeres / in playeng and dysguysinges or they cam to the handes of thesaid walton⁶¹ or before any variaunce was bitwene them for the same / and as to the value of them he cannot esteme nor iuge / And more he cannot saye herin /

[signed] per me Roger taylor

16 [fols 4r-4v; Pollard XIV; Hand 5]

Thomas Curteys of London glasyere of the age of liiiij yeres sworne and examyned vpon his othe sayth that thesaid walton made attachement of xv playeng garmentes / and therupon this deponent and oon John wylkynson were⁶² commaunded by the Maires clerck called John Edmays to appreyse thesame garmentes indiffrently whiche thesaid deponent and John wylkynson afre thair conscience preysed to the vttremost value of them /⁶³ <And the> value or somme⁶⁴ ammounted vnto⁶⁵ <xxxvs ixd And> he and thesaid wylkynson deliuered a bille therof to thesaid Clerck of the Maires⁶⁶ and he thinkith that afre the custume of the Citie of London thesaid walton Lawfully Recouered the same but how they were deliuered to thesaid walton he knoweth not / And further he sayth that at the tyme of thesaid appreysement thesaid Garmentes were old and Torne so that than thay were not hable to be worne nor occupied / And also he sayth he wold haue be lothe to haue geuen somoche for them as they were praysed at and more he knoweth not

[his mark]

17 [fols 4v-6r; Pollard XV; Hand 5]

John wilkinson of london plasterer of the age of xxxiiij yeres or therabouts sworne and examyned sayth / that he was commaunded by John Edmay the Mayres officer to appreyse certain olde playeng garmentes whiche were broken and Torne somm of them of sarcenet and somme of Saye and othre whiche he now remembrith not / And that he and Thomas Curteys appreyssed thesaid garmentes and stuf at xxxv or xxxvjs ixd whiche in his conscience were no better worth nor he wold not haue gladly geuen so moche for them and more he knoweth not /

[signed] Jhon wylkynsun

NOTES

I am grateful to Thorlac Turville-Petre for his help with difficulties in transcription. Errors that remain are all my own.

¹ See my forthcoming piece, 'John Rastell's Stage', in *Medieval English Theatre*. I have been unable to trace any record of a judgement on the case.

² Alfred W. Pollard, *Fifteenth-Century Prose and Verse* (London, 1903); Henry Plomer, 'New Documents on English Printers and Publishers of the Sixteenth Century', *Transactions of the Bibliographical Society*, 4 (1898), 153-83.

³ Pollard's numbering is not exactly as Plomer's; see note 53 below.

⁴ 'Paned' garments are made of strips of different coloured cloth stitched together.

⁵ 'red' written twice; first instance partially erased.

⁶ 'panyd' written twice; second instance deleted.

⁷ 'Fustian of Naples' was a kind of cotton velvet. 'Napes' (for 'Naples') was in common use in forms such as 'fustian anapes' and 'fustianapes'.

⁸ 'Lyre', like other kinds of cloth mentioned in the document, is named after a cloth-making town, here Lire, or Liere, in Brabant (cf. 'dornyke' below).

⁹ The oblique line separating 'pece / of' appears to be a clarification of two words written very close together rather than a virgule, marking punctuation.

¹⁰ 'li' (for 'libra', pounds) is not in fact written above the line, but I have transcribed it as superscript in order to avoid confusion with the numerals.

¹¹ '&' deleted after 'great'.

¹² 'of' deleted after 'Rastall'.

¹³ Square brackets here and over the next few lines indicate holes in the paper where I have supplied the missing letters.

¹⁴ The word that Plomer could not read here is a version of 'surceased'. It is here evidently used in the sense listed as number 5 in the *OED*: 'to overpass (the time for doing something)'.

¹⁵ The letters 'op' appear to be deleted immediately before 'or'. Perhaps the scribe began to write 'oþer'.

¹⁶ The beginning of a letter is deleted after 'then'.

¹⁷ 'mayres' deleted before 'kynges'.

¹⁸ erased matter: perhaps two or three words.

¹⁹ 'were' deleted after 'praysment'.

²⁰ 'fyshpole' deleted in the margin.

²¹ 'with' deleted after 'hyt'.

- ²² A couple of unreadable letters deleted after '&'.
- ²³ This document brackets each item with lines drawn around it and lists the yardage and cost in the right-hand margin.
- ²⁴ The hand changes with the next word, 'paned' (to Hand 4). The marginal matter on both sides, however, remains in Hand 3 throughout. Expansions are often not visibly supplied in Hand 3 (as in 'Jt[em]' above), but I have not elsewhere retained square brackets to differentiate the writing of each occurrence of this word.
- ²⁵ 'panyd' added by Hand 3.
- ²⁶ The number is heavily overwritten, but appears to be 'xij'. Plomer reads it as 'vij'.
- ²⁷ '&' written above a deleted 'A'.
- ²⁸ No yardage or cost follows this item.
- ²⁹ Letters in a different hand are deleted in the margin here.
- ³⁰ The words 'whych cost rastell' appear to have been inserted by Hand 3. They are aligned with the left-hand margin and linked by a line to the cost in the right-hand margin.
- ³¹ A capital 'J' is written under 'fysshpole'.
- ³² The word 'colours' may have been inserted by Hand 3.
- ³³ Hand 3 takes over again from the next word, 'pat'.
- ³⁴ A deletion follows 'Jtem', which looks like 'primis', and the 't' of 'Jtem' looks as if it may have been written over an 'n'. Several letters in the heading of this document have been overwritten.
- ³⁵ 'of' deleted after 'sarcent'.
- ³⁶ '& better' deleted after 'pese'.
- ³⁷ The scribe seems to have written 'a' twice; the one preceding this is deleted.
- ³⁸ The spelling 'peses' is altered from 'peces'.
- ³⁹ 'of' deleted after 'garmentes'.
- ⁴⁰ 'holp' deleted after 'wheper'.
- ⁴¹ 'lett' altered to 'sett'.
- ⁴² '& how' deleted after 'interludes'.
- ⁴³ There is a single short word here which I cannot decipher.
- ⁴⁴ 'pat pis deponent pleyd' deleted after 'wheper'.
- ⁴⁵ This interrogatory, as Plomer points out, explains why the depositions of Mayler and Birch had to be extended. On the back of the leaf is a note about Rastell unrelated to the lawsuit: 'The cause why pat Rastell made his boke off purgatory without Aleggyng Any texts of holy scripture. I maruell gretely that my broder Fryth doth Hold this.'
- ⁴⁶ Plomer suggests that 'gostly' is an error for 'costly'.
- ⁴⁷ The punctuation mark at the end of this document combines a dash and a virgule, thus: -/ It may be compared with the punctuation mark indicating the end of document 17,

which reverses the two thus: /-

⁴⁸ The document must have originally ended at this point, since the words 'and more he knoweth not' are deleted after 'yerde', and Mayler's signature appears below, between the words 'and' and 'occupied'.

⁴⁹ 'with' deleted after 'it'.

⁵⁰ 'and oons he played in them / being in the handes of thesaid walton' deleted between the two virgules.

⁵¹ Like Mayler's, Birch's deposition must have initially concluded at this point. The words 'and more he knoweth not' are deleted between the two virgules, and Birch's signature is deleted after 'whan' in the phrase 'whan the kinges banquet was at Grenewiche' below.

⁵² 'Dornyk' is the Flemish town of Tournay. According to the *OED* it can stand for various kinds of cloth: silk, worsted, woollen or linen.

⁵³ Plomer renumbers IX again here (presumably by mistake). Pollard corrects this, but retains Plomer's sequence, hence producing 15 documents rather than 14 and numbering one higher than Plomer from this point on.

⁵⁴ Plomer transcribed 'submitted', but the verb is clearly 'surmit', which means to charge or allege.

⁵⁵ 'and' deleted after 'new'.

⁵⁶ Pollard does not mention these names on the reverse of the interrogatories above. Plomer puts the text into a note to his document IX (12 above; Pollard X). It is difficult to be certain about the hands, but there appear to be two. The heading looks like Hand 2, but the names are in a different hand, not clearly identifiable with any of the other hands in the documents.

⁵⁷ The top edge of the document is missing. The words 'of london' appear to the right of the names, which are bracketed together.

⁵⁸ 'playe' deleted after 'stages'.

⁵⁹ 'hym' deleted after 'to'.

⁶⁰ Again, Sayer's deposition first ended here. The words 'and more he knoweth not' are deleted after 'knowlege'.

⁶¹ 'by attachment' deleted after 'walton'.

⁶² virgule deleted after 'were'.

⁶³ 'but to what' deleted following the virgule.

⁶⁴ An illegible letter or two deleted after 'somme'.

⁶⁵ 'he now remembreth not but' deleted after 'vnto'.

⁶⁶ Plomer prints 'Maires Court'. It is possible that the word 'court' has been omitted, but Curteys uses the phrase 'Maires cleric' a few lines above.