

SUMMARY: The documents below are the petition filed in Chancery in the fall of 1597 by William Bragge of Sadborow, and the answer of John Cogan. In the petition, William Bragge complains that Cogan has made unlawful entry on a parcel of land called Glastonbury plot, which he claims is part of the manor of Thorncombe. On 2 January 1577, Oxford received licence to alienate the manor of Thorncombe to John Freake and Matthew Bragge (see C 66/1153, m.25) and shortly thereafter sold the manor to them. William Bragge says in his petition that John Freake then died, and that he, William Bragge, purchased the manor of Thorncombe from Matthew Bragge. In the course of the petition, William Bragge refers to an incident 50 years earlier, i.e. circa 1547, when Sir Bernard Drake (d.1586) had taken the position that Glastonbury plot belonged to his manor of Uplyme, and had enclosed it, whereupon a court was held which found that it belonged to the manor of Thorncombe, then held by Oxford's father, John de Vere (1516-1562), 16th Earl of Oxford. John de Vere (1516-1562), 16th Earl of Oxford, and his first wife, Dorothy (nee Neville) had been granted the manor of Thorncombe by King Henry VIII on 29 April 1544 in exchange for Dovercourt, Harwich and other manors (see C 66/740, m. 5).

[September November or December] 1597

To the right honourable Sir Thomas Egerton, knight, Lord Keeper of the Great Seal of England.

Most humbly complaining showeth unto your honourable Lordship your daily orator William Bragge of Sadborow in the county of Devon, yeoman, that where the right honourable Edward, Earl of Oxenford, was amongst other things lawfully seised in his demesne as of fee of and in the manor of Thorncombe with th' appurtenances in the county of Devon, and he so being thereof of such an estate seised, in consideration of divers great sums of money unto his Lordship's use truly contented and paid by one John Freake [=Freke?] & Matthew Bragge, did in or about the 20th year of her Majesty's reign [=1577-78] bargain, sell, assure and convey the said manor with th' appurtenances and all deeds, writings and evidences concerning the same unto the said John Freake and Matthew Bragge, their heirs and assigns, forever, by virtue whereof the said John Freake & Matthew Bragge were lawfully seised of the said manor with th' appurtenances in their demesnes as of fee;

And they so being thereof of such an estate seised, the said John Freake about (blank) years now last past died, by and after whose death the said Matthew Bragge did hold himself in the said manor and was thereof sole and lawfully seised in his demesne as of fee;

And he so being thereof of such an estate seised, for and in consideration of a certain sum of money to him contented and paid by your said orator in or about the month of August in the 25th year of the reign of our said Sovereign Lady the Queen's Majesty that now is

[=August 1583], by sufficient conveyance and assurance in the law did bargain, sell, assure and convey the said manor with th' appurtenances and all deeds, writings and evidences concerning the same unto your said orator, his heirs and assigns, forever, by virtue whereof your said orator was and yet is lawfully seised of and in the said manor with th' appurtenances in his demesne as of fee;

But so it is, right honourable Lord, that divers and sundry deeds, evidences, boundaries, counterpanes of leases and other writings proving and manifesting the ancient bounds and limits of the said manor of Thorncombe and rightfully belonging unto your said orator are now of late by casual means come to th' hands, custody and possession of one John Cogan alias Coggin, who, by colour of having thereof, hath not only now of late made divers unlawful entries in and upon sundry pieces and parcels of land, meadow and pasture, parcel of the said manor of Thorncombe, as namely in and upon one parcel of land called Glastonbury plot containing by estimation two acres and a half or thereabouts and divers other parcels of the said manor, very unjustly claiming and pretending the same to belong unto one messuage or tenement of the said John Cogan's, parcel of the manor of Holditch in the said county of Devon wherein he, the said John Cogan, doth now dwell and inhabit, but also hath and doth menace and threaten to attempt suit at the common law against your said orator for and concerning the possession and occupation of the said parcel of land called Glastonbury plot and intending thereby to recover the same against your said orator contrary to all right, equity and good conscience;

In tender consideration whereof, and forsomuch as it is most true and divers persons dwelling and inhabiting near unto the said premises can testify and witness the same, that as well the said Earl of Oxenford and others the lords of the said manor of Thorncombe for the time being have heretofore many years sithence demised and letten the said parcel of land called Glastonbury plot as part and parcel of the said manor of Thorncombe and have received a yearly rent for the same, and also have shrouded the trees and cut the furzes and underwoods growing upon the same parcel of land, and that at such times as the beasts and cattle either of the tenants of the said manor of Holditch or of the manor of Hawkchurch adjoining unto the said manor of Thorncombe have broken into the said parcel of land called Glastonbury plot or have been taken or found depasturing upon the same, that the same have been taken and impounded by the hayward of the said manor of Thorncombe and that the owners of the same cattle have sundry times paid money unto the hayward of Thorncombe for the redeeming of their said cattle and for trespassing in & upon the said parcel of land called Glastonbury plot;

And that as well the said John Cogan, as others who heretofore have been tenants unto the said messuage & tenement now in the possession of the said John Cogan, have fenced & made their hedges & ditches between the lands and grounds belonging unto the said messuage & the said parcel of land called Glastonbury plot, the which they would never have done if the said Glastonbury plot had been their own proper lands & grounds;

And that upon a pretended title & claim heretofore made unto the said Glastonbury plot about fifty years since by Sir Bernard Drake, knight, who pretending the same to belong unto his manor of Uplyme in the said county of Devon had enclosed the same parcel of

land, the homage and ancient tenements of the said manor of Thorncombe at a court then holden at & for the said manor, being charged by the then officers unto the said Earl of Oxenford to enquire & present whether the same Glastonbury plot did not rightfully belong & appertain unto the said manor of Thorncombe, did bring in their verdict & presentment that the same was parcel of the said manor of Thorncombe, upon which presentment the same officers of the said Earl of Oxenford did cast down the same enclosure made by the said Sir Bernard Drake, sithence which time the said Glastonbury plot hath been used & enjoyed & so always reputed to be parcel of the said manor of Thorncombe, which witnesses be very aged & impotent and by reason thereof are not able to travel from their homes to the assizes in the same county, whereby your said orator without the aid of this honourable court is like to lose the benefit of their testimonies at the common law unless they may be first examined by commission by authority of this honourable court;

And forsomuch also as your said orator doth not perfectly know the certain dates, number or contents of the said deeds, evidences, boundaries, counterpanes of leases & other writings proving & manifesting the ancient bounds and limits of the said manor of Thorncombe ner [=nor] wherein the same be contained, by reason whereof and for want of the benefit of his said witnesses your said orator is clearly without remedy concerning the premises by the course of the common laws of this realm, albeit the said John Cogan himself cannot deny, but upon his oath, as your said orator well hopeth, must needs confess that the said parcel of ground called Glastonbury plot is parcel and time out of mind hath been used, reputed & taken to be parcel of the said manor of Thorncombe, may it therefore please your good Lordship to grant unto your said orator the Queen's most gracious writ of subpoena to be directed unto the said John Cogan commanding him thereby at a certain day and under a certain pain therein to be limited personally to appear before your good Lordships in her Majesty's most honourable Court of Chancery then and there to answer the premises, and further to stand to and abide such order, rule and direction herein as to your Honour shall be thought meet and convenient, and your said orator shall daily pray to God for the preservation of your good Lordship in health & honour long to endure.

The answer of John Cogan, defendant, to the bill of complaint of William Bragge, complainant.

The said defendant saith that the said bill of complaint against him exhibited into this honourable court is very untrue and insufficient in the law to be answered unto, and the matters therein contained not such whereof this honourable court will take knowledge or hold plea (as this defendant thinketh), for that the said parcel of land mentioned in the said bill of complaint called Glastonbury plot containing about two acres and a half is not of the yearly value of forty shillings, and the said defendant farther saith that he hath not nor ever had any deeds, evidences, boundaries, counterpanes of leases or other writings proving or manifesting the ancient bounds and limits of the manor of Thorncombe in the said bill of complaint specified, wherefore he, the said defendant, humbly prayeth to be

dismissed out of this honourable court with his reasonable costs, charges and expenses in this behalf wrongfully sustained;

Nevertheless, if the said defendant shall be compelled by the order of this honourable court to make any farther or other answer unto the said untrue and insufficient bill of complaint, then all advantages of exception to the incertainty, insufficiency and untruths of the same unto this defendant now and at all times hereafter saved, he, the said defendant, for farther answer thereunto saith that true it is (as he thinketh) that the right honourable Edward, Earl of Oxford, in the said bill of complaint named was lawfully seised in his demesne as of fee of and in the said manor of Thorncombe with the appurtenances, and so seised did sell, assure and convey the same and all the deeds, writings and evidences thereof unto the said John Freake and Matthew Bragge in the said bill of complaint also named and to their heirs and assigns forever, and that by force thereof the said John Freake and Matthew Bragge were lawfully seised of the said manor with the appurtenances in their demesne as of fee, and so seised the said John Freake died, after whose decease the said Matthew Bragge held himself in the said manor and was thereof solely seised in his demesne as of fee, and so seised did bargain, sell and convey the said manor with the appurtenances and the deeds, writings and evidences concerning the same unto the said complainant, his heirs and assigns, forever, and that by force thereof the said complainant was and yet is thereof seised in his demesne as of fee as by the said bill of complaint is declared (as this defendant believeth);

And the said defendant farther saith that the right honourable William, late Lord Cobham, deceased, was in his lifetime lawfully seised of an estate of inheritance of and in the manor of Holditch in the said bill of complaint mentioned, within which manor there are and time out of mind of man have been divers customary and copyhold lands and tenements, parcels of the same, which by all the time aforesaid have been demised, demisable and used to be letten by the lord of the same manor for the time being or by his sufficient officer lawfully authorized by copy of court roll for the term of one, two or three lives at the will of the lord according to the custom of the said manor of Holditch;

And the said late Lord Cobham so being of the said manor seised, he, the said late Lord Cobham, at a court holden at and for the said manor of Holditch the thirtieth day of March in the eight and thirtieth year of the reign of our Sovereign Lady the Queen's Majesty that now is [=March 30, 1596] did demise and grant by copy of court roll (according to the custom of the said manor) unto your said orator and unto Robert and William, his sons, one messuage and tenement with the appurtenances containing by estimation fourscore acres called Beshey now in the tenure, occupation or possession of this defendant and sometime in the tenure of one Robert Hayball, being parcel of the customary and copyhold lands and tenements of the said manor of Holditch, to have and to hold the said messuage and tenement with the appurtenances unto your said orator and to his said sons for the term of their lives and every of them longest living successively (according to the custom of the said manor), by force of which grant the said defendant entered into the demised premises with their appurtenances and was an[d] yet is thereof lawfully seised in his demesne as of freehold for the term [+of] his life, the remainder unto the said Robert & William, his sons, for their lives and either of them longest living

successively, according to the custom of the said manor, and by reason thereof doth depasture and feed and hath depastured his cattle on the said parcel of land called Glastonbury plot as parcel of the said messuage and tenement so granted by copy (as is aforesaid) or as using common therein appendant to the said messuage and tenement;

Without that that the said parcel of land called Glastonbury plot is part and parcel of the said manor of Thorncombe or so hath been demised and letten (to the knowledge of this defendant), for he, the said defendant, saith that he hath oftentimes heard credibly reported that the said parcel of land called Glastonbury plot is parcel of the said manor of Holditch, without that that the said parcel of land called Glastonbury plot hath been used and enjoyed and so always reputed to be parcel of the said manor of Thorncombe to his knowledge, or that the said defendant hath made divers unlawful entries in and upon sundry pieces and parcels of land, meadow and pasture, parcel of the said manor of Thorncombe, in manner and form as by the said bill of complaint is very untruly alleged;

And without that that any other thing or things, matter or matters, in the said bill of complaint contained material or effectual by this defendant to be answered unto and not in this answer sufficiently traversed and denied or confessed and avoided are true in such sort, manner and form as by the said bill of complaint they are set forth, declared and alleged, to the knowledge of this defendant, all which matters the said defendant is ready to aver and prove as this honourable court shall award, and humbly prayeth (as aforesaid) to be dismissed out of the same with his reasonable costs, charges and expenses in this behalf wrongfully sustained.

Capta coram nobis Iohanne Davye et Iohanne ffreake ixo die Ianuarij anno Elizabethe Regine &c xlmo

[=Taken(?) before us, John Davy and John Freake, on the 9th day of January in the year of Queen Elizabeth etc. the 40th]

(signed) John Davye

(signed) John Freke