

SUMMARY: The documents below are the bill of complaint of Roger Harlakenden and the answer of Samuel Cockerell in a Chancery suit brought in 1597. Harlakenden, who had purchased the manors of Earl's Colne and Colne Priory from Oxford, seeks a court order directing the defendant, Samuel Cockerell, to deliver up certain documents which he claims Cockerell has in his possession. Harlakenden begins his bill of complaint by reciting the fact that John de Vere (1516-1562), 16<sup>th</sup> Earl of Oxford, had at one time appointed John Church steward of the manors of Earls Colne and Colne Priory. Harlakenden then goes on to claim that either the 16<sup>th</sup> Earl, or Oxford himself, had appointed John Church's son-in-law, John Cockerell, as Church's successor in the position of steward and that by reason of that appointment John Cockerell's son, the defendant Samuel Cockerell, had come into possession of documents concerning the manors of Earls Colne and Colne Priory and had shown them to Harlakenden's tenants and other persons. In his answer, Samuel Cockerell claims that Harlakenden's real motive for the lawsuit is spite, in retaliation for Samuel Cockerell's opposition to Harlakenden's attempt to force others to pay for the making of a stone bridge at Earl's Colne which should be Harlakenden's responsibility to pay for as lord of the manor of Colne Priory. Samuel Cockerell admits that his grandfather John Church was steward of the manors of Earls Colne and Colne Priory by the appointment of the 16<sup>th</sup> Earl, but denies all Harlakenden's other allegations, including Harlakenden's allegation that John Cockerell succeeded John Church as steward, and Harlakenden's allegation that John Church got documents into his possession during his stewardship which were passed down to either John Cockerell or Samuel Cockerell. Samuel Cockerell also takes the opportunity to point out that Oxford is currently suing Roger Harlakenden for 'sinister practices' involving fraud and breach of trust in the sale of Colne Priory, and to state that he has been warned by Oxford's officers not to deliver any documents to Roger Harlakenden until the trial of the case. Moreover Samuel Cockerell says that far from refusing to allow Roger Harlakenden access to whatever papers he has in his possession, he had earlier allowed Harlakenden's servant, one Cobbe, to copy any of them which he wanted to copy. Finally, Samuel Cockerell denies that he has shown others extracts from the documents in his possession apart from such extracts as would indicate that it was Harlakenden's responsibility to pay for the stone bridge at Earls Colne. The case is of interest for its depiction of the character of Roger Harlakenden, and for the suggestion it provides that Samuel Cockerell was of the view that Harlakenden had defrauded Oxford in the sale of Colne Priory.

According to Dr. Alan Nelson there is extensive damage to the text on the right side of both sheets of this lawsuit; the resulting omissions are indicated in the modern spelling version below by square brackets.

xxv die Novembris 1597 [=25 day of November 1597]

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

In most humble wise complaining showeth unto your good Lordship your daily orator, Roger Harlakenden of Earls Colne in the county of Essex, esquire;

That whereas the late right honourable John de Vere, Earl of Oxenford, deceased, was seised in his demesne as of fee of & in the manors of Earls Colne & Colne Priory situate & being in the said county of Essex, to which manors there are divers tenants which do hold as well by free deed as by copy of court rolls, and likewise to each of the said [ ] and time whereof memory of man doth not run to the contrary there have been belonging a court leet or a view of frankpledge, and he, the said Earl of Oxenford, of the manors aforesaid [ ] did either by his deed or otherwise constitute & appoint John Church, gentleman, deceased, to be the steward of the said leets and of the courts of the said manors, by force whereof [ ] the said John Church did of long time continue and remain steward, and did execute the office of the stewardship of the said several courts, and by reason thereof did receive the verdicts of the several [ ] entries and the rolls of the same courts, and did also during his said office & stewardship get into his own hands and possession divers other court rolls, rentals, extents, books of survey, charters, writings & evidences for & concerning the said manors and courts;

And he, the said John Church, being steward of the said manors & courts, one John Cockerell did [ ] the said John Church, and after the said John Church died, after whose death the said John Cockerell was appointed or deputed by the said Earl of Oxenford or by the honourable Edward de Vere, now Earl of Oxenford, steward of the said several courts, who did exercise the said office of long time together as thereunto appointed or deputed in manner & form as aforesaid [ ] did likewise get into his hands & possession as well the said court rolls, rentals, extents, books of survey, charters, writings & evidences which before had hap[ ] his father-in-law, as also divers other court rolls, rentals, extents, books of survey, charters, writings & evidences for & concerning the said manors and courts, all which [ ] writings & evidences are now come & happened unto the hands & possession of Samuel Cockerell, son & heir of the said John Cockerell;

And the said Edward, Earl of Oxenford, or [ ] his said father, he, the said Edward, Earl of Oxenford, did for divers great sums of money paid unto him by the said Roger Harlakenden, bargain, sell, assure & convey [ ] all & singular the charters, writings, evidences, court rolls, rentals, terriers, books of survey, extents, scripts & muniments to the said manor and courts or any of them belonging [ ] the said manors or courts or any of them unto the said Roger Harlakenden, his heirs or assigns, to the only use of the said Roger Harlakenden, his heirs & assigns, forever [ ] said manors & leets & of either of them is seised in his demesne as of fee;

Since which conveyance & assurance so made of the said manors unto the said Roger Harlakenden, your said orator hath demanded and earnestly required & entreated the said Samuel Cockerell to deliver unto him the said court rolls and other the evidences aforesaid and the papers of the verdict [ ] the said Samuel hath and yet doth not only

utterly deny to do, but also he, the said Samuel Cockerell, hath partly upon an avaricious mind for the getting & obtaining [ ] said Roger Harlakenden, revealed & disclosed to divers persons, copyholders and freeholders of your said orator's tenants of the said manors and others, many things contained in the said charters, writings & evidences, court rolls, rentals, terriers, books of survey, extents, scripts & muniments, and in the said papers of verdicts and entries, and hath delivered unto sundry persons copies & extracts, writings [ ] whereof controversies & debates have grown & risen, and are likely more & more daily to arise & grow unto your said orator, to the impugning & withstanding of the just claim and disinheritance and against all right & equity, considering that the said John Church & John Cockerell were deputed stewards unto the keeping of the said courts and evidences aforesaid, and which have happened unto the hands of the said Samuel Cockerell by the reason & upon the occasions before alleged;

May it therefore please your Lordship [ ] and for that your Lordship's said orator knoweth not the certain dates of the said charters, writings, court rolls, rentals, terriers, books of survey, extents, escripts & muniments [ ] in any box or chest locked or sealed or unlocked or unsealed whereby your Lordship's said orator hath or may have any remedy by due course of the common law [ ] her Majesty's most gracious writ of subpoena to be directed against the said Samuel Cockerell, commanding him thereby at a certain day & under a certain pain [ ] to appear before your good Lordship in her Majesty's High Court of Chancery then & there to answer to the premises, and to abide such further order & direction therein as to your good Lordship [ ] and your said orator, according to his bounden duty, shall daily pray to Almighty God to continue your good Lordship in long life & much happiness.

24 January 1597 [=1598]

Th' answer of Samuel Cockerell, defendant, unto the bill of complaint of Roger Harlakenden, esquire, complainant

The said defendant saith that the said bill of complaint is uncertain & insufficient in the law, & most of the matters therein contained untrue, & set forth only (as this defendant verily thinketh) to put this defendant to suits & troubles which this defendant from his cradle was always desirous to avoid, without any just cause or matter moving the said complainant thereunto, but this defendant thinketh he is carried in spleen against this defendant for that this defendant hath been a mean to hinder the proceeding of the said complainant against the country of Essex for the charge of making of a great stone bridge in Earls Colne, which by great likelihoods & apparent semblances seems should be made by the said complainant as he standeth reputed lord of the manor of Colne Priory in Earls Colne aforesaid;

Unto which bill of complaint (though this defendant thinketh he ought not to be compelled to answer), yet nevertheless if this defendant shall be compelled by this honourable court to make answer thereunto (saving to himself all exceptions unto the said

bill of complaint & advantages thereupon), for answer (so far as his own knowledge extendeth) he saith that he thinketh it true that the said right honourable John de Vere, Earl of Oxenford, deceased, in his lifetime was seised in his demesne as of fee of the manors of Earls Colne & Colne Priory in the county of Essex, and that there are divers tenants [ ] copyholders of the same manors, and that there do belong to each of the said manors a court leet or a view of frankpledge, and that the said Earl being so seised did either by his deed or otherwise constitute the said John Church, grandfather unto this defendant, steward of the same, & that the said John Church by force thereof did execute th' office of the stewardship, & did receive the verdicts of divers homages of the said courts, & did make the [ ] same & delivered them up unto th' officers of the said Earl, as in his duty he was bound to do, & that John Cockerell, gentleman, this defendant's father did marry with the daughter of the said John Church;

But this defendant saith that John Church, grandfather to this defendant (to this defendant's knowledge) during his said office did not get into his hands any other court rolls, rentals, extents, books of survey & other charters, writings & evidences [ ] manors & courts, & without that that after the death of the said John Church the said John Cockerell was appointed steward by the said Earl or the honourable Edward, now Earl of Oxenford, [ ] & did exercise th' office of the stewardship, & by reason thereof did get into his hands & possession as well the said court rolls, rentals, extents, books of surveys, charters, writings & evidences which before [ ] of the said John Church, his father-in-law, as also divers other court rolls, rentals, extents, books of survey, charters, writings & evidences for & concerning the said manors & courts to this defendant's knowledge, and without that that [ ] extents, books of survey, charters, writings & evidences to this defendant's knowledge are now come & happened into th' hands & possession of this defendant as son & heir of the said John Cockerell, his father, deceased [ ] him in his bill of complaint hath injuriously surmised;

And as unto the descent of the said manors from the said late Earl of Oxenford to the right honourable Edward de Vere, now Earl of Oxenford, & [ ] manors & courts with th' appurtenances & all & singular the charters, writings, evidences, court rolls, terriers, books of survey, scripts & muniments to the same belonging, or which touch or concern the same manors or courts [ ] the said Earl unto the said complainant for divers great sums of money paid by the said complainant, this defendant hath heard say that the said now Earl & the said complainant are in suit about the same [ ] of them & that the said now Earl layeth to the charge of the said complainant sinister practices (being officer or put in trust by the said Earl for the sale thereof) for the compassing & getting into his hands [ ] far more money by a great deal than the same are worth or might then have been sold for, and this defendant hath been warned by some of the now Earl's officers (as he taketh them) not to deliver anything [ ] touching the said manors & courts or some of them (if there be any such in this defendant's custody or possession) till a trial be made of the same suit;

Without that that the said defendant to his remembrance [ ] did ever demand to deliver unto the said complainant the said court rolls & other the evidences aforesaid, but hath & yet is so far from the denial thereof (if he hath any which the said complainant ought to

have) as he [ ] that he had escrows & papers of certain court rolls of the said manors & courts, made, engrossed, & delivered (as he thinketh) in his grandfather's time, or some time since, to th' officers of the said late Earl or [ ] which he hath always taken to be left to posterity for their further [ ] have copies of them to serve his turn if the engrossed rolls delivered were lost or could not be come by, & hath been so ready to pleasure him therein, as upon the sending of one (blank) Cobbe (as this defendant remembereth) to the said complainant with a letter from the said complainant to desire that he might have a view of such papers as the defendant had that he might have copies of such as he wanted, he, the said defendant hath sufficient [ ] what the said defendant had, & to confer with them such as the complainant, his master, had or wanted, with offer unto him that if there were any (showing him some of the late sovereign Lady Queen Mary's time [ ] & Queen Mary's time likewise in parchment (as this defendant thinketh) of this defendant's father's hand, which he, the said Cobbe, then said his master already had) which his master had not nor wanted, that he should have them, [ ] with such notes as he brought returning unto his master & showing what he had seen (as this defendant thinketh), the said Cobbe sent unto this defendant his letter what his master, the complainant, specially desired to have [ ] the said complainant did receive them, & gave unto this defendant a French crown for his pains;

Without that that the said defendant hath to this defendant's remembrance, partly upon an avaricious mind for [ ] upon his evil disposition towards the said complainant hath revealed & disclosed to divers persons, copyholders & freeholders of the same, & to others many things contained in the said court rolls, rentals, scripts & [ ] or hath delivered unto sundry persons copies & extracts written & taken out of them whereby suits, controversies, & debates have grown & risen, & are likely to grow & rise unto the said complainant to the impugning of the just claims & titles of the said complainant (other than such notes [ ] such rolls as have (as this defendant verily thinketh) been engrossed or delivered up to th' officers of the said late Earl or now Earl in the time of the said John Church, this defendant's grandfather, or since which [ ] of Essex) for the freeing of it of such charge as the said complainant would (as it is thought) put upon it for the said stone bridge, as also for the indifferent justice & equity between him, the said complainant, & some of [ ] and without that that the said complainant is reported to deal hardly in his daily vexations & troubles, and without that that any other matter or thing in the said bill contained or herein not confessed, avoided, answered, or traversed [ ] unto all which this defendant is ready to aver, and therefore prayeth to be dismissed with his reasonable costs & charges.