

SUMMARY: The documents below are the bill of complaint, dated 30 May 1608, brought in the Court of Chancery in the name of Oxford's son and heir, Henry de Vere (1593-1625), 18<sup>th</sup> Earl of Oxford, by his legal guardians, his mother, Elizabeth (nee Trentham) de Vere (d.1612), Countess of Oxford, and his great-uncle, Sir Francis Vere (1560/61-1609), the answer of the defendants, Richard and Thomas Harlakenden, dated 12 June 1608, and the undated replication of Henry de Vere.

Oxford's two bills of complaint, the first filed in 1593 and the other in 1599, have not survived. However Oxford's replication to his bill of complaint filed in 1593 has survived (see TNA C 2/ELIZ/O3/32), and the allegations against the Harlakendens in his two bills of complaint can be deduced from the replication, from depositions taken in 1594 (see TNA C 22/406/21 and TNA C 24/239/46), from a judgment rendered by the Court of Chancery on 10 February 1599 (see TNA C 78/104, mm. 27-8 and C 33/95), and from the bill of complaint, answer and replication below.

The sequence of the first two hearings of the case is incorrectly given in reverse in the bill of complaint below, an error which has resulted in confusion in the dating of documents pertaining to the case on the Earls Colne Project Database website at <http://linux02.lib.cam.ac.uk/earlscolne//equity/index.htm#18200379>. The sequence of the three hearings in the High Court of Chancery is correctly given in the answer of Richard and Thomas Harlakenden below, i.e. the first hearing before Lord Chancellor Ellesmere in the Court of Chancery was held on 10 February 1599, the second on 23 June 1599, and the third on 3 May 1600.

Roger Harlakenden died in January 1603. For his will, dated 2 January 1603 and proved 13 May 1603, see TNA PROB 11/101, ff. 392-3. Oxford died on 24 June 1604. For his inquisition post mortem, dated 27 September 1604, which mentions the farm of Plaistow and the tithes of certain towns in Essex and Suffolk also mentioned in the documents below, see TNA C 142/286/165.

The bill of complaint is badly creased, rendering most of the text on the far right-hand side of the document illegible. To make it clearer where the text is defective, the original lineation has been preserved in the transcript of the bill of complaint below. Some of the illegible text can be conjecturally reconstructed from TNA C 78/104, mm. 27-8. Where that has been done, the conjectural text has been enclosed in square brackets.

xxx die Maij 1608

Saunders [I?]

To the right honourable Thomas, Lord Ellesmere, Lord Chancellor of England

I Complaining showeth unto your Lordship Henry, Earl of Oxford, by the right honourable Dame Elizabeth, Countess Dowager of Oxford, and Sir Francis Vere, knight,

his guardians, that where Edward, late Earl of Oxford, father of the said Earl, did [exhibit his bill of?]

2 complaint into the King's Majesty's High Court of Chancery, showing that where about eight years then past [=1591?] one Roger Harlakenden, being a farmer of the said Edward, Earl of Oxford, of divers his lands in the county of Essex, [did desire of the said?]

3 Earl to become surveyor of the honours, manors, lordships, lands & hereditaments of the said Earl & receiver of his rents, revenues, issues & profits, whereupon such means were made to the said Earl that he, upon the faithful promise of the said [Harlakenden to deal justly and?]

4 truly with the said Earl, the said Earl granted unto him a patent of the offices of surveyor of his said honours, lands, tenements & hereditaments & receivership of his said rents, which said offices the said Harlakenden by force of the said patent [after did occupy, and shortly?]

5 after that time, that is to say, about one year then next following, the said Earl Edward, having occasion to use certain sums of money, acquainted the said Harlakenden that he would depart with & sell away the manor of Colne Priory, [Barwick Hall, Inglesthorpe?]

6 and Ballingdon, the mills called Chalkney mill & Colneford mill, the parsonages of Earls Colne, White Colne, Belchamp, Bentley & Messing, a farm or tenement called Plaistow in Halstead, two tenements or farms lying in Sible Hedingham, [and certain?]

7 portions of tithes in Sible Hedingham, Stansted, Maplestead, Aldham, Aythorpe Roding & Bures in the county of Essex, the parsonage of Wickham in the county of Cambridge, & divers portions of tithes in Lavenham and Aldham in the county [of Suffolk, all which premises were parcel?]

8 of the possessions of the late-dissolved monastery or priory of Colne in the said county of Essex, and that he conferred with the said Harlakenden for the sale thereof, & required the said Harlakenden to make diligent survey of the premises & to examine [the true value thereof?],

9 as also that the said Harlakenden should treat & deal with the copyholders & several terre-tenants of the premises for the purchasing of the several lands & tenements in their several occupations, and should otherwise do his best endeavour to [bargain and sell the said manors, lands?],

10 tenements and portions of tithes to the most & best value thereof, & also gave warrant under his hand & seal to the said Harlakenden to bargain & sell the said manors, lands, tenements & other the premises to the best value thereof, showing [further that the said Roger?]

11 Harlakenden, having received the said warrant & authority from the said Earl to survey, bargain & sell the said manors, lands, tenements & other the premises, of a fraudulent, covetous & greedy intention to enrich himself, [contrary to such?]

12 trust & confidence as the said Earl reposed in him, & by deceiving the said Earl, not only gave out divers speeches to discredit the title of the said Earl, & so to withdraw such persons as were most likely to be desirous to purchase [the said premises, but also?],

13 contrary to the commission of the said Earl & contrary to his solemn promises & protestations, never gave notice to the copyholders & terre-tenants of the premises or any of them of the said Earl's intention to sell the said premises, [and informed?]

14 the said Earl that the said copyholders & other terre-tenants would not purchase the lands in their possession, where in truth he never offered the same to any of them in sale, and further that the said Roger Harlakenden [fraudulently and?]

15 dissemblingly making show of great faith & service to the said Earl, offered that if the said Earl were disposed to depart with the said lands, he would for his own part purchase & buy the site of the late-dissolved [priory or monastery of?]

16 Earls Colne and the manor of Colne Priory & parsonage of Colne Priory, being, as he alleged, of the only yearly value of £35 by the year, alleging that he would give the said Earl for the same [seven hundred pounds, which?]

17 he alleged was the full value thereof, and the said Harlakenden, fearing through the guilt of his own conscience that the said Earl would make further enquiry of the value of the said lands, [corrupted one of the said?]

18 Earl's servants that was near about him and in whom the said Earl reposed also some trust by reason of his long service with a bribe of the sum of £200 or thereabouts that he should also concur in [report with the?]

19 said Harlakenden that the said site, manor & parsonage were of no further or other value than the said Harlakenden had formerly reported, and that the said servant so corrupted should report to the said Earl that the said [Harlakenden was a?]

20 man of honesty, and such a one as endeavoured in duty and service the profit & benefit of the said Earl simply and sincerely, which according to the said plot, corruption and bribery was thoroughly effected [so that the?]

21 said Earl, being thus by the fraud, practice & deceit of the said Harlakenden colluded [sic?] & abused, assented to pass the said [+site?] manor and parsonage to the said Harlakenden in the rate of 20 years' purchase [as the said Harlakenden?]

22 pretended, which by the said Harlakenden's account amounted to £700, which the said Harlakenden answered in reckonings and accounts, howbeit he nevertheless doubting to take the same in his own name, [and to cover his?]

23 said frauds & practices, lest the same coming to light he might be called in question to answer for his said frauds, practiced & confederated with Richard Harlakenden, his son, and that [he caused the?]

24 assurance to be drawn & passed to the said Richard Harlakenden & his heirs, where indeed the said site, manor & parsonage are of the clear yearly value of £400 above all charges & reprises, and were [then in lease for but?]

25 few years to come, and that upon the same leases there was reserved the yearly rent of £60, and that in very truth the said site, manor & parsonage were then clearly worth to be sold [no less than three?]

26 thousand pounds & above, and furthermore the said Earl Edward did set forth by his said bill that the said Harlakenden, not satisfied with this extreme gain upon the said Earl acquired through his fraud, practice & deceit, [did cause?]

27 into the conveyance & assurance of the premises to be inserted, comprised & conveyed in general words the said manors of Barwick Hall, Inglesthorpe & Ballingdon, the said mills called Chalkney mill and Colneford mill, the said

28 parsonage of White Colne, the parsonages of Belchamp, Bentley & Messing, the said farm called Plaistow in Halstead, the said two farms in Sible Hedingham, the parsonage of Wickham in the county of Cambridge, and divers & sundry

29 other messuages, lands, tenements, hereditaments & portions of tithes in the counties of Essex, Cambridge & Suffolk of the clear yearly value of £400 above all charges, where in truth none of the said manors, lands, tenements, parsonages or

30 tithes were ever mentioned to the said Earl to be conveyed to the said Harlakenden, nor were ever meant or intended to be conveyed or assured unto him, and that the said Harlakenden, still meaning for his private [lucre?]

31 the further hindrance of the said Earl, contracted with divers other persons for divers particular parcels of the said manors, lands, tenements & hereditaments not meant or intended in the said bargain with the said Harlakenden,

32 and therein abusively inducing the said Earl to believe the said manors, lands and tenements were of very small value, caused the said Earl to bargain & sell divers of the same manors, lands & tenements to divers persons

33 for very small sums of money not amounting to a quarter of the value thereof, where in truth the same were formerly contained within the assurance made by the said Earl to the said Richard Harlakenden,

34 cunningly and craftily inserted in general words not understood by the said Earl nor his counsel, and that by reason of the said cautelous devices the said Earl was like to incur great damage [by the?]

35 incurring his bonds & warranty made for th' assurance of the said manors, lands & tenements, besides the importable loss & hindrance which he endured by the deceit aforesaid, and that thereupon the said

36 Earl prayed the ordinary process of the said Court to be directed to the said Roger Harlakenden & Richard Harlakenden to appear in the said Court & to answer to the premises and to stand to such further

37 order therein as by the said Court should be thought to stand with equity and good conscience, which process being served upon the said Roger & Richard Harlakenden, they appeared & answered [to the said bill?],

38 and the said Earl replied, and the said Roger & Richard rejoined, and so the matter was at issue, & witnesses were examined on every parts, & were published, & the cause came to hearing in the

39 said Court in the term of the Holy Trinity on Saturday the 23<sup>rd</sup> day of June in the 41<sup>st</sup> year of the said Queen before your Lordship, and forasmuch as upon the opening of the said cause it [appeared to?]

40 your Lordship that a promise made by the said Roger Harlakenden for the reassuring of the lands sold by the said Earl to the said Roger Harlakenden was not contained in the said bill exhibited by the said Earl,

41 by reason whereof no order could well be had or made for the said Earl thereupon, therefore it was amongst other things ordered that the said Earl Edward might exhibit a new bill [concerning?]

42 the same promise, and call the said defendants to answer thereunto, and where the said Earl according to the said order did thereupon exhibit a new bill of complaint into the said Court of [Chancery against the said?]

43 Roger and Richard Harlakenden, showing by the said bill the covinous and fraudulent dealing and practices mentioned and set forth in the said former bill of complaint, and [did also in the same bill?]

44 latterly allege and set forth that the said Roger Harlakenden divers and sundry times did promise to the said Earl that upon the repaying of such money as he, the said Roger [Harlakenden had paid?]

45 to the said Earl for the same, with some reasonable consideration for forbearing of the said money if the profits of the same lands did not in the meantime [amount to that sum, the?]

46 said Harlakenden would reconvey and reassure, or cause to be reconveyed or reassured, the said site, manor, parsonage and premises to the said Earl and his heirs, whereupon [the said Earl thus by?]

47 the fraud, practice and device of the said Harlakenden deluded and abused, assented upon the promise of the said Harlakenden made as aforesaid to pass the said site, manor and parsonage [and other the premises?]

48 at 20 years' purchase after the rate of such yearly valuation for the premises as the said Harlakenden had made as aforesaid, which by the said Harlakenden's account amounted to [seven hundred pounds which the said?]

49 Harlakenden answered in reckonings and accounts to the said Earl, showing further that yet nevertheless the said Harlakenden, intending in truth utterly to defraud the said Earl, [and contrary to?]

50 the performance of his said promise to the said Earl for the reassuring of the same to the said Earl and his heirs, doubting to take the conveyance thereof in his own name, practised and confederated with [his said son, Richard?]

51 Harlakenden, & caused the assurance to be drawn and passed to the said Richard Harlakenden & his heirs, showing further that the said site, manor & parsonage then were of the full clear(?) yearly value of [three thousand?]

52 pounds at the least over and above all charges and reprises, and were then in lease but for few years to come, upon which leases was reserved the yearly rent of [£60, and that the said site?],

53 manor and parsonage were not less worth to be sold than six [sic?] thousand pounds, and further showed that the said Roger and Richard Harlakenden, supposing that the said Earl [would not be able to make?]

54 proof of the said promise of reassurance made by the said Roger Harlakenden to the said Earl, did utterly deny that the said Roger did make any such promise to the said Earl [although?]

55 the said Roger both at the said bargain thereof and often since promised to reassure the same to the said Earl, and the said Richard did utterly refuse [to reassure the said priory and?]

56 the premises to the said Earl according to the promise of his father, Roger Harlakenden, the said Richard being a man trusted by his said father in taking of the [assurance to the?]

57 use and benefit of his said father, and that the said Roger Harlakenden did, by bribes & rewards given to such as could testify the said Roger Harlakenden's promise of reassurance [to the said Earl?]

58 in sort as aforesaid, sought to obscure and withdraw them from testifying the truth of their knowledge concerning the same, and that the said Roger and Richard [did purpose and?]

59 intend by those and the like fraudulent and covinous practices utterly to defeat the said Earl of the said site, manor & parsonage, and to gain the same to [themselves for a small?]

60 part of the value thereof, as by the said bill in this Court filed and remaining more at large may appear, whereunto the said Roger and Richard upon process of the said Court [issued to them?],

61 appeared and answered, and so grew to a full and perfect issue, and witnesses being examined thereupon between the said parties, publication thereof was by order of the [said Court granted, and?],

62 a day for the hearing of the said cause in question between the said parties was afterward appointed by the said Court, at which day the parties by their counsel learned in the [law in the said?]

63 Court appearing, it was in the term of St Hilary on Saturday, the tenth of February in the one & fortieth year [=10 February 1599] of the reign of the said late Queen Elizabeth, [ordered?]

64 and decreed, amongst other things, that the said Earl, his heirs & assigns, should and might from thenceforth have, hold and quietly enjoy the said farm [of Plaistow and the?]

65 tithes of the said seven towns without let or interruption of the defendants or either of them or any claiming from, by or under them or either of them, as by the said order & decree more at large [it doth and may appear, and as?]

66 touching the reassurance or recompense which the said Earl demanded in respect of the promise of the said Roger Harlakenden, and for that he was by the deceit and fraud [of the said Harlakenden?]

67 and the confederacy with one Felton & others drawn to sell & convey the said lands to the said Richard, his son, at a less value by a great deal than the said lands [were worth, your Lordship?]

68 did not then think fit to proceed to the hearing and ordering of that point, but did order that either of the said parties should make true breviates touching their [proofs of that point, as?]

69 also touching the promise of reassurance made by the said Roger to the said Earl as aforesaid, and then the said briefs should be delivered to your Lordship, and that your Lordship would be [pleased to have the?]

70 opinion of some of the Lord Chief Justices how far-forth the said Court might give relief to the said Earl Edward touching his demand, as by the said decree and order [it doth and may appear, and?]

71 [ ], it may please your good Lordship, that since and not long after the making of the said decree the said Earl Edward and the said Roger Harlakenden both died, by reason [of which the said?]

72 bills of complaint were discontinued and abated, and so do now remain, it may therefore please your good Lordship that both the said bills, together with all and every the depositions, orders [and decrees thereupon made may be?]

73 revived, and may be pursued and prosecuted by the said now Earl, and by the said Countess & Sir Francis Vere as his guardians, against the said Richard Harlakenden, being first purchaser [of the said premises, and?]

74 son and heir to the said Roger, and being one of the defendants in the said former suit, and also against the said Richard Harlakenden & Thomas Harlakenden, brother of the said Richard, as [ ],

75 the said Thomas Harlakenden being tenant in possession of some part of the premises, and further it may please your Lordship that whereas the said Richard Harlakenden hath [by force of the general words?]

76 contained in the said conveyance & assurance made by the said late Earl to the said Richard Harlakenden as aforesaid, notwithstanding that the said late Earl & the said Roger [Harlakenden had no meaning?]

77 or intention to contract for any other lands, tenements or hereditaments but only for the site of the said priory and for the said manor of Colne Priory and the parsonage of Earls Colne, [entered?]

78 into and taken the issues and profits of divers parcels of lands, meadows, pastures, rents, tenements & hereditaments lying in Earls Colne aforesaid, Colne Engaine, White Colne, Wakes Colne(?) [ ]

79 Middleton, Sible Hedingham, Castle Hedingham, Halstead, Gestingthorpe, Twinstead, Alphamstone, Tey Magna, Markshall, Pattiswick, Stisted, Bures ad montem, Bures St Mary, Wormingford & Aldham [aforesaid?]

80 in the counties of Suffolk & Essex and in divers other towns & [ ] in the said counties of Suffolk & Essex which were not any part, parcel or member of the said site or manor of Colne Priory [or of the said parsonage of Earls Colne?]

81 or any of them, and the said Richard Harlakenden & Thomas Harlakenden or one of them(?) have also gotten into his or their possessions the ledger & register books manifesting & mentioning the lands, tenements & hereditaments [which were belonging to the?]

82 said manor of Colne Priory and which do not belong unto the same manor of Colne Priory aforesaid, and doth obscure the title of the said Earl, thinking and supposing [that the now Earl?]

83 cannot be able to prove the same by any witnesses now living, and so thereby doth(?) most unconscionably & wrongfully seek to disherit the said [now Earl, may it therefore?]

84 please your good Lordship to grant unto the said Henry, now Earl of Oxford, the King's Majesty's most gracious writ of subpoena to be directed to the said Richard Harlakenden [and Thomas Harlakenden, [commanding?]

85 them and either of them(?) at a certain day and under a certain pain therein by your Honour to be limited, personally to appear before your Lordship in his Majesty's High Court of Chancery [to show?]

86 cause wherefore the said former bills & the examinations of the witnesses and the orders & decree thereupon had should not be revived, and further [to stand to such order and?]

87 direction therein as to your Honour may seem to stand with equity & good conscience.

Richard Harlakenden [ ] Thomas Harlakenden, gentleman  
xijo(?) Iunij 1608 Clapham [ ] Grimeston

The joint & several pleas & answers of Richard Harlakenden, esquire, & Thomas Harlakenden, gentleman, to the bill of complaint of the right honourable Henry, Earl of Oxford, complainant

All benefit & advantage of exception to the insufficiency and uncertainty of the now complainant's bill of complaint to these defendants now & at all times hereafter saved & reserved, the said defendants do for themselves say as hereafter followeth:

And first, the said Richard Harlakenden doth for himself say that true it is that the said right honourable Edward, late Earl of Oxford, deceased, father of the now complainant, about some fifteen years now last past [=1593] exhibited into this most honourable Court two several bills of complaint against the said Richard Harlakenden, one of the now defendants, and Roger Harlakenden, esquire, deceased, father of the now defendants, both which said bills were in effect such as in the now complainant's bill exhibited against these defendants is mentioned & set forth, but for the more certainty thereof these defendants do refer themselves to the said bills which are remaining of record in this most honourable Court;

And the said Richard Harlakenden for himself doth further say that the said Roger Harlakenden, deceased, and this defendant, Richard Harlakenden, being served with process of subpoena out of this most honourable Court at the said Earl's suit according to the course of this honourable Court, the said Roger and Richard appeared unto the said bills and made their answers to the same bills upon their corporal oaths according to the course of this Court, which said answers are likewise remaining upon record in this most honourable Court, and unto which this defendant, Richard Harlakenden, being the only defendant now living which was party to the said bills, for more certainty referreth himself;

And this defendant further saith that he, this defendant, and his said father made their answers unto both of the said bills, but the said Earl replied only unto the first of the said bills, and this defendant, Richard Harlakenden, & the said Roger Harlakenden, rejoined also to the said first bill, but the matters in both the said bills & answers comprised proceeded to issue & examination of witnesses and publication of the same, and afterwards came to judicial hearing in this most honourable Court at three several days & times, that is to say:

The first bill exhibited by the said Earl against this defendant & his said father, Roger Harlakenden, came the first time to hearing before your honourable Lordship, as this defendant remembereth, in or about the tenth day of February in the term of St Hilary in the 41<sup>st</sup> year [=10 February 1599] of the reign of our said Sovereign Lady Elizabeth, late Queen of England, deceased, and upon the hearing of the said bill there was an order conceived tending to the effect mentioned in the complainant's bill of complaint now exhibited against this defendant and his said brother, but touching the certainty of the said order and the particulars therein contained, this defendant referreth himself unto the said order remaining upon record in this most honourable Court;

And according to the said order there were breviates delivered unto your Lordship, who having considered of the said breviates, afterwards, that is to say, in or about the 23<sup>rd</sup> day of June in the term of the Holy Trinity in the said 41<sup>st</sup> year [=23 June 1599] of her said

Majesty's reign, heard the said cause again, and upon the second hearing thereof it pleased your Lordship to order as followeth, viz., that in respect the matter of the promise for the reassuring the said lands sold by the said Earl to this defendant's father, Roger Harlakenden, was not contained in the said bill so exhibited by the said Earl, whereby any order could well be made thereupon, it was therefore ordered that the said Earl might exhibit a new bill touching the said promise, & call the defendants in to answer the same, and then such witnesses only to be examined on the said Earl's part as had not been examined already touching the said promise, and that since the farm of Plaistow & certain tithes in the said former bill mentioned were formerly decreed for the said Earl, therefore the said Earl might have order for the mean profits of the said farm & tithes, as by the said order, amongst other things therein contained, whereunto this defendant referreth himself, may unto this most honourable Court more fully and at large appear;

And this defendant further saith that after the hearing of the first bill and the said orders thereupon conceived & had as aforesaid, the said Earl exhibited against this defendant and the said Roger Harlakenden his second bill of complaint, setting forth & pretending in & by the said bill that the said Roger Harlakenden did promise to reassure the said lands mentioned in the said bill to be sold by the said Earl unto this defendant and the said Roger Harlakenden, unto which said bill the said Roger Harlakenden & this defendant made their several answers upon their oaths, and denied the said pretended promise suggested & alleged in the said Earl's bill, as in & by the said bill & answers remaining of record in this most honourable Court, whereunto this defendant for the more certainty referreth himself, may more fully & at large appear;

And the said defendant saith that upon the said second bill the said Earl examined witnesses touching the said supposed promise of the said Roger Harlakenden, and after publication of witnesses, that is to say, in or about Saturday being the third day of May in Easter term in the 42<sup>nd</sup> year [=3 May 1600] of her said Majesty's reign, the said second bill came to hearing before your Lordship, upon the hearing whereof there was likewise an order conceived & set down in effect following, viz., that your Lordship, after long debate of the matters in the said bill contained by the counsel learned on both parts, thought not meet to give any judicial order in the cause so coming before your Lordship to hearing, but did order that either party should make true breviates of the matters by them set forth touching the said cause, and each part to see each other's breviates to the end they may be well warranted by proofs, and the said breviates should be subscribed by the counsel on either part, and should be delivered unto your Lordship, who would be pleased to consider thereof, and give such further order & direction in the cause as should be meet, as in & by the said order remaining of record in this most honourable Court, unto which this defendant for the more certainty thereof referreth himself, may unto this honourable Court more fully and at large appear;

And this defendant further saith that in obedience to the said order he, this defendant, and the said Roger, his father, on the one part, and also the said Earl on the other part, delivered their several breviates of the said cause unto your Lordship under the hands of their counsel according to the tenor & purport of the said order, which were, as this defendant verily thinketh, deliberately viewed & considered of by your Lordship, but the

said Earl, finding, as it should seem, no hope to prevail in this honourable Court upon the said supposed promise, did forbear any further proceeding thereupon during his lifetime, howbeit the said Earl himself lived some four years or thereabouts after the hearing of the said cause and never solicited or pressed any further proceeding therein for the said promise, but only procured a decree under seal for the said farm of Plaistow and the said tithes;

And as touching the reviving the said several bills exhibited as aforesaid against this defendant and his said father, this defendant prayeth the judgment of this most honourable Court whether the same bills and the proceedings upon them or either of them shall or ought to be revived for that the said Earl, the said complainant's father, had the effect of his said suit upon the said first bill, and a decree was thereupon had & made & procured under seal by the said late Earl, and this defendant hath ever since performed the said decree in permitting the said complainant to enjoy the said farm of Plaistow and tithes & paying the mean profits according to the true meaning thereof, and therefore this defendant hopeth there is no cause to revive the said bill & proceedings thereupon against this defendant;

And touching the said second bill, the said defendant saith that, as he verily thinketh, neither the same bill nor any the proceedings thereupon ought to be revived for that the same suit was long sithence discontinued by the said complainant's father's own willingness, who neglected the prosecution thereof after the said hearing almost three whole years in the lifetime of the said Roger Harlakenden, this defendant's father;

And this defendant further saith that the said lands were settled & estated upon this defendant upon his marriage for money paid to his said father to the sum of six hundred & fifty pounds and for other valuable considerations, and not upon trust or confidence as is pretended, neither was this defendant privy or acquainted with any such promise of his said father, if any were, as by the answer of this defendant to the said second bill of the said late Earl, whereunto this defendant for the more certainty thereof referreth himself, this defendant hath affirmed upon his oath;

And as for the state of these defendants' father which came to this defendant & his said brother or unto either of them by the death of their said father, either as heir or executors, these defendants say that their said father left not assets sufficient by much to these defendants either in lands or goods to pay the just & due debts of their said father, deceased, but these defendants or one of them hath paid or given contentment to all or the most part of the creditors of their said father, deceased, with a good part of his or their own estate;

And this defendant, Richard Harlakenden, doth deny that by virtue of any general words contained in the conveyance of the said late Earl made to this defendant, he, this defendant, hath made any entries into or taken the issues or profits of any other the lands or tenements of the now complainant or his said father, deceased, or doth or ever did make any challenge or demand to the same, as by the said bill is pretended, other than into such lands & tenements which both were conveyed & meant to be conveyed unto this

defendant and his said father, deceased, which are mentioned in the answer of the said Roger Harlakenden to the first bill of the said late Earl, the now complainant's father, which this defendant hopeth by the favour of this honourable Court is lawful for him to do;

And touching the ledger & register books mentioned in the said complainant's bill & supposed to belong unto the now complainant and to be remaining in the custody of the now defendants, Richard & Thomas Harlakenden, the said defendants do likewise both of them say that the now complainant hath, before the exhibiting of his bill into this honourable Court, exhibited his bill of complaint against these defendants into his Majesty's honourable Court of Wards & Liveries, and by the same bill, amongst other things, hath complained for the same cause, unto which these defendants have answered & been examined upon interrogatories according to the course of the same Court, which said bill & answer is yet remaining upon record in the same Court undecided & indiscussed, and therefore do for themselves and either of them likewise demand judgment of this honourable Court whether they or either of them, being doubly vexed for one & the selfsame cause, shall be compelled to make any other or further answer unto the said complainant's bill of complaint, or whether the said former bills or either of them shall be revived or further proceeded in;

And the said Thomas Harlakenden doth deny that he is tenant in possession of any part of the lands in the said bill mentioned, or claimeth any interest in the said lands or any of them;

Without that that any other matter or thing in the said bill contained material or effectual for these defendants or either of them to answer unto, and herein not confessed & avoided, traversed or denied, is true in such sort, manner & form as in the said bill the same are alleged;

All which matters these defendants & either of them are ready to aver & prove as this most honourable Court shall award, and pray, and either of these defendants prayeth, to be dismissed out of this honourable Court with their & either of their costs & expenses in this behalf unjustly sustained.

[signatures at bottom right partly obscured by fold in page]

Jocelyns

Saunders [ ]

The replication of Henry, Earl of Oxenford, Lord Great Chamberlain of England, complainant, to the joint and several answers of Richard Harlakenden & Thomas Harlakenden, defendants

The said complainant, by the right honourable the Lady Elizabeth, Countess Dowager of Oxford, & Sir Francis Vere, knight, his guardians, by way of replication saith as he before in his said bill of complaint hath said, and doth aver & is ready to maintain & prove all and every the matters & things therein alleged to be good and true in such manner & form as they are in his said bill of complaint alleged;

And that the said answers of the said defendants are very incertain and insufficient in the law to be replied unto for divers defects and imperfections therein contained;

The advantage of exception to the incertainty and insufficiency whereof to the said complainant at all times hereafter saved, the said complainant further saith that in & by the said order in the said bill & answer mentioned it is contained that briefs of the matter heard before your Lordship in the High Court of Chancery on Saturday the tenth day of February in the 41<sup>st</sup> year [=10 February 1599] of the reign of our late Sovereign Lady Queen Elizabeth between the said late Earl Edward, complainant, and the said Roger & Richard Harlakenden, defendants, in the said bill & answer mentioned, should be delivered to your Lordship in such manner and form as in the said bill of complaint is alleged, and that your Lordship would be pleased to have the opinion of some of the Lord Chief Justices how far-forth the said Court might give relief to the said late Earl touching his demand, as by the said order may appear;

And after the making of the said order, there were briefs delivered to your Lordship, but before the same could be digested by the counsel on both parts, some good time was spent, as also some farther time passed in suing & executing the decree in the said bill & answer mentioned touching the farm of Plaistow & the tithes in the said bill and answer also mentioned which the said Roger Harlakenden and the said defendant, Richard Harlakenden, had, by the general words inserted into the indenture of purchase of the said site and manor of Colne Priory, covinously & fraudulently gotten from the said late Earl, and many other great & urgent occasions of the said late Earl, and the speedy decease of the said Roger Harlakenden and of the said late Earl were the causes that your Lordship was not so earnestly followed in the prosecuting of the said cause & to take the opinions of the said Chief Justices and to make your Lordship's decree touching the premises as otherwise might have been;

Nevertheless, the same cause remained still depending in the said Court of Chancery until the decease of the said late Earl Edward, and the same being now discontinued by the decease of the said late Earl, the said now Earl hopeth that the same may by the course of the said Court and the favour of your Lordship be revived;

Without that that the said suit was long sithence discontinued by the said late Earl, or that he neglected the prosecution thereof after the hearing thereof in such manner and form as in the said answer of the said defendants is untruly surmised;

And without that the said premises were conveyed to the said defendant, Richard Harlakenden, upon his marriage or upon any such consideration as in the said answer is untruly suggested, but were conveyed to him by the direction of the said Roger

Harlakenden, his father, of purpose the better to cloak and cover his fraudulent & covinous dealing with the said late Earl, for the said Roger Harlakenden was first determined to have taken the purchase of the premises in the name of one John Church, gentleman, and nevertheless afterwards took the purchase to the said defendant, Richard Harlakenden, his son, & to his heirs upon trust & confidence to the use & benefit of the said Roger Harlakenden, his father;

And the said now Earl further saith that it is not material whether the said defendant, Richard Harlakenden, was privy to the promise in the said bill & answer mentioned made by the said Roger Harlakenden, his father, to the said Earl for the reassurance of the premises to the said late Earl or no, as the said now complainant thinketh and he trusteth the said High Court of Chancery will be of opinion;

Without that the said Roger Harlakenden left not sufficient assets to the said defendants, neither in lands nor goods, to pay the just & due debts of their said father, deceased, or that they have given contentment to all or most part of the creditors of their said father with part of their own estate, as in the said answer is untruly alleged;

And without that the said complainant, before his exhibiting of his said bill of complaint into this honourable Court, exhibited his bill of complaint against these defendants into the King's Court of Wards & Liveries, & thereby hath complained against the said defendants for the ledger & register books in the said bill of complaint mentioned, or that any bill by him, this complainant, exhibited into the said Court of Wards was for the same cause, amongst other things, that his said bill into this honourable Court is, as in the said answer is untruly surmised;

And without that any other matter or thing in the said answer contained & in this replication not sufficiently replied unto, confessed & avoided, traversed or denied, is true, all which matters the said complainant is ready to aver & prove as this honourable Court shall award, and prayeth by his said guardians as he before in his said bill of complaint hath prayed.

Ruggeley