

SUMMARY: The documents below consist of two sets of interrogatories and the depositions of witnesses on behalf of Oxford in furtherance of his lawsuit against Roger Harlakenden and Richard Harlakenden for reconveyance to Oxford of Colne Priory or for recompense for the undervaluation of the sale price by reason of fraud and breach of trust by the Harlakendens.

Neither Oxford's bill of complaint in his original lawsuit filed in 1593, nor the answers of Roger Harlakenden and Richard Harlakenden survive. However Oxford's replication has survived, and the allegations in his bill of complaint can be deduced from it and from interrogatories and depositions taken in 1594. See TNA C 2/ELIZ/O3/32, TNA C 22/406/21, and TNA C 24/239/46.

Partial judgment in the case was rendered by the Court of Chancery on 10 February 1599 (see TNA C 78/104/17). In its partial judgment, the Court ordered that since Roger Harlakenden could not prove that the tithes of seven towns in Essex and Suffolk or the farm of Plaistow in Essex belonged to Colne Priory, Oxford could enjoy the benefit of them until the Harlakendens could offer proof to the court that they had belonged to Colne Priory. The interrogatories below seek to determine the profit which Roger Harlakenden had received from the tithes and from the farm of Plaistow from 4 February 1592 until April 1600.

Oxford still owned the tithes in question and the farm of Plaistow at his death (see the inquisition post mortem taken 27 September 1604, TNA C 142/286/165).

For the will of Thomas Bacon (d.1577), Oxford's former bailiff of Lavenham, mentioned in the deposition of Henry Copinger, see TNA PROB 11/59, ff. 271-2. In his will, Thomas Bacon mentions the tithes in question:

*Item, I give and bequeath unto my said son, Thomas Bacon, all that my lease and term of years that I have from the grant of the right honourable th' Earl of Oxenford of all the portion of the tithes within the parish of Lavenham afore-named and belonging unto the Priory of Colne.*

For Henry Copinger, whom Oxford appointed as vicar of Lavenham, see 'Some Brief Notices of the Family of Copinger of Buxhall, Co. Suffolk', *The Gentleman's Magazine*, Vol. 149, pp. 12-15 at p. 13, available online.

The links in the transcript below are to the transcript on the Earls Colne Project Database website beginning at <http://linux02.lib.cam.ac.uk/earlscolne/equity/17600311.htm>. The author of this website has not seen the National Archives copy of the deposition of Thomas French, and the copy of his deposition below is taken from the Earls Colne Project Database website.

<http://linux02.lib.cam.ac.uk/earlscolne/equity/17600378.htm>

Henricus Copinger Iohannes Green iurati 18 Aprilis(?) 1600 Matthew Carew [in another hand at top of page]

Interrogatories to be ministered to certain witnesses to be produced on the part & behalf of Edward, Earl of Oxford, for the proof of the yearly value of certain portions of tithes lying in Suffolk & Essex and of a farm called Plaistow in Halstead in the said county of Essex, and for the rents & profits of the same tithes & farm received and unjustly withholden by Roger Harlakenden, esquire, by virtue of an order taken in that behalf vicesimo tercio die Iunij Anno Regni Elizabethæ Regine xljmo [=23 June 1599].

1 Inprimis, whether do you know a certain portion of tithes lying in Lanham [=Lavenham] in the said county of Suffolk belonging to the late priory of Colne? And out of what lands is the same portion of tithe to be paid, as you do know or have heard? And what manner of tithes do belong to the said portion? And what is the uttermost yearly value of the same portion of tithe, as you do know or think in your conscience?

2 Item, what is the uttermost yearly rent or other profit that the said Roger Harlakenden hath received every year for the same portion of tithes since the fourth day of February in the 34 year [=4 February 1592] of her Majesty's reign, and how much money doth the said yearly rent or profit amount unto in the whole that the said Harlakenden hath received for the same since the time aforesaid?

3 Item, whether do you know a farm called Plaistow in Halstead belonging to the said late priory of Colne? And what is the uttermost yearly rent or other profit that the said Roger Harlakenden hath received every year for the said farm since the said 4<sup>th</sup> day of February in the said 34 year of her Majesty's reign? And what is the uttermost yearly value of the said farm, as you know or think, and how much money doth it amount unto in the whole that the said Harlakenden hath received for the same farm since the time aforesaid?

4 Item, whether do you know certain portions of tithes lying in Aldham in the county of Suffolk [+&] Aldham & Maplestead in the county of Essex belonging to the said late priory of Colne or any of them? And what is the uttermost yearly rent or other profit that the said Harlakenden hath received every year for every or any of the said portions of tithe since the said 4<sup>th</sup> day of February in the said 34 year of her Majesty's reign? And what is the uttermost yearly value of every of them, as you do know or think, and how much money doth it amount unto in the whole that the said Harlakenden hath received for every or any of the said portions of tithe since the time aforesaid?

5 Item, whether do you know certain portions of tithes lying in Stansted in the parish of Halstead, Sible Hedingham & Mount Bures or any of them in the said county of Essex belonging to the said late priory of Colne? And what rents or other profits hath the said Harlakenden received every year for every or any of the said portions of tithe since the said 4<sup>th</sup> day of February in the said 34 year of her Majesty's reign? And what is the

uttermost yearly value of every of them as you do know or think, and how much money doth it amount unto in the whole that the said Harlakenden hath received for every or any of the said portions of tithe since the time aforesaid?

Examinatus Thomas Wilson upon the 3 interrogatory only Iuratus 17 Aprilis 1600 Matthew Carus(?) [=Carew?], Henry Copinger upon 1 & 2 interrogatory, John Grene upon the 4 interrogatory only [in another hand at foot of document]

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600417.htm>

[top of document obscured] xvij Aprilis Anno Elizabethe xlij(?) [=17 of April 42<sup>nd</sup> Queen Elizabeth, i.e. 17 April 1600]

Thomas Wilson of Colchester in the county of Essex, yeoman, of the age of 45 years or thereabouts, sworn and by direction examined upon the 3 interrogatory only, deposeth and saith that he knoweth a farm called Plaistow Kell in Halstead sometimes belonging to the late priory of Colne, as this deponent hath heard, and saith that after such time as a certain lease of the said Plaistow Kell granted long since to this deponent's late father by the now right honourable Edward, Earl of Oxford, was expired, which as he thinketh was about four years ago, this deponent did rent the same Plaistow Kell of Mr Roger Harlakenden, the now defendant, at the yearly rent of ten pounds, which rent this deponent was the rather contented to give for the said Kell for so long time as he did in respect of the said Mr Harlakenden's promise to make this deponent a lease thereof at an easier rent, and so this deponent continued the payment of the said ten pounds yearly rent for some three or four years until such time as the said Earl recovered the same rent by decree of this honourable Court, & after that time he paid the sum of five pounds, which was for the half year's rent due at Our Lady Day next after the said decree unto the Countess of Oxford or her assigns, but how much money the said Mr Harlakenden hath received of this deponent for rent in all during the aforesaid time this deponent cannot certainly depose, neither doth he know how much rent or other profit hath been received by him in the whole sithence the time in the interrogatory mentioned, nor more saith to this interrogatory, saving that albeit that this deponent sithence the said decree hath been contented to pay the said Earl £12 yearly rent for the premises in respect that the same lieth convenient for him by reason of other grounds of his adjoining as also because his father hath had it before him, this deponent thinketh in his conscience that £10 a year is as much as it is worth, and more etc.

Thomas Wilson

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600447.htm>

pro Oxonie Comite [=For the Earl of Oxford]

18 Aprilis Anno xliij Elizabethhe [=18 of April 42<sup>nd</sup> Queen Elizabeth, i.e. 18 April 1600]

Henry Copinger of Lavenham in the county of Suffolk, clerk, of th' age of 49 years or thereabouts, sworn and by direction examined upon the 1 & 2 interrogatories.

1 Interrogatory. That when he, this deponent, came to be parson of Lavenham aforesaid, which was about some 21 years ago, he heard the ancient men of the said parish say and report by the relation of their ancestors that some of the religious house of the priory of Colne in the county of Essex did either themselves or by some others of their appointment preach five sermons every year at Lavenham aforesaid, viz., in Advent two, and in the other three-quarters of the year three other sermons, in lieu of which pains they had five nobles per annum, viz., for every sermon a noble, and for security of payment of the said sum of money had two parts of all the tithes arising and growing out of a field called Leverden field, now divided into many parcels, which in the whole, as this deponent doth conjecture, do contain between 140 acres and 160 acres, and this deponent doth think that the said two parts of all the said tithes issuing out of the lands aforesaid are of the yearly value of five marks or eleven nobles at the most, communibus annis, which said portion of tithes with all rights, duties and profits whatsoever thereunto appertaining, the now right honourable the Earl of Oxon did demise some years before this deponent was parson of Lavenham aforesaid unto one Mr Bacon then of Lavenham, gentleman, for the term of 21 years for the fine of £10, as this deponent hath heard, and for the yearly rent of five nobles, and saith that the foresaid lease and demise coming to Thomas Bacon, the son of Mr Bacon aforesaid, by gift from his father by his last will and testament, he, the said Thomas Bacon, the son, about the first year that this deponent was parson of Lavenham aforesaid, did sell his interest in the same lease to this deponent because it was uncertain to this deponent and to the said Thomas Bacon and could not certainly be learned by either of them what lands were or ought to be charged with the said portion of tithes otherwise than as aforesaid, and further he cannot depose to that interrogatory.

Two. That sithence the 4th day of February in the 34<sup>th</sup> year [=4 February 1592] of her Majesty's reign Roger Harlakenden, articulate, on the 13 day of November anno Regine Elizabethhe xxxvij [=13 November 1595] did receive of this deponent, then farmer of the said portion of tithes, for 3 whole years farm-rent thereof due at the feast of St Michael th' Archangel then last past before the said 13 day of November 37 Elizabeth the sum of £5, the said yearly rent being then 33s 4d per annum, for the first of which said 3 years this deponent did formerly pay 33s 4d rent to one Simon Ive by virtue of the said Earl of Oxon's warrant, as appeareth by the said Ive's acquittance under his hand bearing date 26 October 1593 ready at all times to be showed by this deponent, for which double payment of one of the selfsame year's rent this deponent hath had no allowance, and this deponent did so twice pay the same for that both the said parties demanded it, and he could not remedy himself from paying it without trying of their titles, as he thought, which would have been more chargeable to him, and further saith that the said Mr Harlakenden afterwards, viz., on the 29 of November in the beginning of the fortieth year [=29 November 1597] of her Majesty's reign did likewise receive of this deponent for the rent

of the said portion of tithes due for two whole years ended at the feast of St Michael then last past the sum of £6 13s 4d, so the said Harlakenden received in the whole of this deponent for the said 5 years £11 13s 4d, as it doth appear by the perusal of his acquittances under his own hand which this deponent hath now produced thereby the better to inform himself in this his answer to this interrogatory, and for the rent of the said portion of tithes due at the feast of St Michael in the 40<sup>th</sup> year of her Majesty's reign, the same is yet in this deponent's hands, but hopeth he shall not be charged with payment thereof for that he paid one year's rent twice as aforesaid, and for that the said Earl of Oxon by virtue of an order made in this honourable Court, as this deponent understandeth, shall receive allowance again from the said Mr Harlakenden for the same year's rent which he had formerly received of this deponent by th' hands of the said Ive, and in the 41<sup>st</sup> year of her Majesty's reign the said Ive did gather the said portion of tithes in kind as they did grow by virtue of an order made in this honourable Court in that behalf, and more etc.

Henry Copinger

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600494.htm>

[top of document obscured] 18 Aprilis Anno xlij Elizabethæ [=18 of April 42<sup>nd</sup> Queen Elizabeth, i.e. 18 April 1600]

John Greene of Copford in Essex, tiler, of the age of 30 years or thereabouts, sworn etc., by direction examined upon the 4<sup>th</sup> interrogatory only.

4 That he knoweth a certain portion of tithes lying in Aldham in the said county of Essex, sometimes by report belonging to the late priory of Colne, which parcel of tithes this deponent did occupy and enjoy for the space of five years or thereabouts as tenant to Mr Roger Harlakenden, the now defendant, and paid him twenty shillings a year rent for the same, so that the said Mr Roger Harlakenden hath had in all of this deponent for rent due for that parcel of the tithe that this deponent so held as aforesaid some four or five pounds or thereabouts, but further to this interrogatory as touching what profit the said Mr Harlakenden hath received, or how much rent he hath received by and for all the tithes mentioned in this interrogatory or any of them more than for that parcel late in this deponent's occupation sithence the 4<sup>th</sup> day of February in the 34 year of her said Majesty's reign he saith he cannot depose, nor can depose more than as aforesaid anything material touching the yearly value of all or any of the tithes, nor more etc.

[mark of John Grene]

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600311.htm>

[top of document obscured] Thomas Frenche sworn 3 February 1603, Daniel Sidey sworn 3 February 1603

Witnesses to be examined on the [part and?] behalf of Edward, Earl of Oxford, plaintiff, against Roger Harlakenden, esquire, & others, defendants.

1. Inprimis, whether do you hold and enjoy to farm any portion of tithes late parcel of the late-dissolved priory of Colne in the county of Essex, yea or no? And where and in what town or hamlet doth the same portion or portions lie? And out of what lands do the same portion and portions rise and be issuing? And what person and persons do occupy the same lands to your knowledge or as you think? And what rent have or do you usually pay for the same portion or portions of tithes which you hold? And whether have you paid any rent for the same at any time to the said Roger Harlakenden? And how much rent have you paid to him to your knowledge or remembrance? And what term or estate have you in the same portion or portions yet to come and unexpired?

Bartholomew Browne )  
 Nicholas Martyn ) upon these interrogatories  
 Daniel Sidey )  
 Thomas Frenche )

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600522.htm>

[Thursday, 3 February 1603]

Thomas French of Halstead, Essex, gentleman, of the age of 38 years and upwards, sworn etc., saith that he, this deponent, doth hold and farm a portion of tithes late parcel of the late-dissolved priory of Colne in the said county of Essex, as he taketh it, which portion of tithes amongst other things was first granted by lease for years from the complainant unto one Fynner, the complainant's then servant, and from him conveyed over to one John Holmested, gentleman, this deponent's father-in-law, and so from him unto this deponent, and this deponent further saith that he knoweth not of his own knowledge but hath heard that the same portion of tithes doth lie in the hamlet or leet of Stansted in the parish of Halstead, but what and how much of that portion is or out of what lands there the same portion doth or should arise and be issuing he knoweth not, neither doth he know what person or persons do occupy the same lands or [sic?] of which the said portion of tithes should issue nor can tell what to think thereof for that this deponent hath made great enquiry to know the same but could never learn the certainty thereof, and this deponent also saith that there is 40s a year rent reserved upon the said lease for the said portion of tithes, and this deponent by virtue thereof hath paid for the said portion of tithes unto the defendant in all the sum of £8 rent, and he also saith that he taketh it he hath a year or two or more to come in the said lease assigned by the said Fynner as aforesaid, but the certainty thereof he doth not remember for that he hath not for long

time seen and perused the same assignment of lease, and therefore referreth himself to the said assignment itself, which he is ready to show, and more etc.

Thomas Frenche

<http://linux02.lib.cam.ac.uk/earlscolne//equity/17600551.htm>

pro Oxford Comite [=For the Earl of Oxford]

3 ffebruarij Anno 45 Elizabethe Regine [=3 February in the 45<sup>th</sup> year of Queen Elizabeth, i.e. 3 February 1603]

Daniel Sidey of Bures St Mary in the county of Essex, gentleman, of th' age of 52 years or more, sworn etc., saith that he doth hold at the will of the complainant a portion of tithes, late parcel, as it is said, of the late-dissolved priory of Colne in the same county of Essex, and saith the same portion doth lie in Mount Bures in th' aforesaid county and nowhere else to this deponent's knowledge, but out of what lands in Mount Bures the same portion of tithes doth arise and is issuing he cannot of his own certain knowledge depose, but taketh it the same portion or part of it doth arise out of a certain field called Fenfield and out of one parcel of land of one Scott, and out of one other parcel or parcels of land called by the name of Mutchcroft, as he taketh it, and this deponent further saith that he did pay unto the defendant 9s rent for the said portion for one or 2 years, he certainly remembereth not whether, and the like rent this deponent's father, who held the same portion of tithes before, did usually pay for the same at the first unto the complainant, and afterwards, upon the sale of the said priory, unto the defendant, who then demanded the same rent from this deponent's father, and more etc.

Daniel Sidey

Capta coram me Leonardum Robertson in absentia Mr Nicholson [=Taken before me, Leonard Robertson, in the absence of Mr Nicholson]