

SUMMARY: The document below is the order made on 14 June 1596 in a lawsuit wrongfully brought in the Court of Chancery by Roger Harlakenden (d.1603) against John Bowser involving Oxford's former manor of Sheriff's. Roger Harlakenden's egregious conduct towards John Bowser, as set forth in the judgment, affords insight into his similar actions in fraudulently inserting into the documents for the sale of Colne Priory properties which Oxford had not intended to sell. For the partial judgment in the Court of Chancery on 10 February 1599 in Oxford's lawsuit against Roger Harlakenden for fraud in the sale of Colne Priory, see TNA C 78/104/17.

The transcript below was made from the copy on the Earls Colne Project Database website at <http://linux02.lib.cam.ac.uk/earlscolne/equity/18400123.htm>. The ECPD copy does not appear to be entirely accurate. However it provides the details of the order, and serves as a useful resource. The author of this website hopes to obtain a copy of the original document in the near future.

Where Roger Harlakenden of Earls Colne, Essex, esquire, hath exhibited his bill of complaint into this honourable Court of Chancery against John Bowser, defendant, declaring in substance by the same that the right honourable the Earl of Oxford that now is, being lawfully seised in his demesne as of fee or of some other estate of inheritance of and in the site of the manor of Colne Priory commonly called Colne Priory or Colne House and of and in all the demesne lands, tenements and hereditaments with [+the?] appurtenances thereunto belonging situate and being in Earls Colne and Colne Engaine, Essex, the said Earl being thereof seised, by his indenture of demise and grant for the considerations therein specified did demise, grant and [+to?] farm let unto the said complainant amongst other things all that the site of the manor of Colne Priory commonly called Colne Priory or Colne House with all gardens, orchards, ponds, fishings, courts, yards, barns, stables, buildings and edifices thereunto belonging with divers other things recited in the said bill, as by the said indenture dated the second day of January in the 30th year [=2 January 1588] of the reign of the Queen's Majesty that now is more at large appeareth;

And further by his said bill declared that the defendant's father, having not long before purchased of the said Earl the manor of Sheriff's near adjoining to the said manor of Colne Priory, came to the plaintiff with a letter from Sir Christopher Hatton, knight, late Lord Chancellor of England, praying and requiring him that search might be made amongst his evidences for certain writings which did appertain to the said manor of Sheriff's, and that upon search made that the defendant's father and one Smith, a scrivener of London, had taken and conveyed away divers evidences touching the inheritance of the said manor of Colne which the plaintiff had then lately purchased in the name of his son, Richard Harlakenden, and by colour of having thereof the now defendants have lately entered upon a parcel of grounds called or known by the name of the Gall, parcel of the said manor of Colne Priory belonging to the plaintiff and his son, and therefore pray process

against the defendant to answer to his said bill as by the same remaining of record in this honourable Court at large may appear;

Upon which parts [sic?] the defendant appeared and made his answer, saying that the right honourable Edward, now earl of Oxford, in the bill named, about the month of June in the 26th year [=June 1584] of the Queen's Majesty, being seised in his demesne as of fee or of fee-tail of and in the manor of Sheriffs in the county of Essex and of divers lands, tenements and hereditaments thereunto belonging and therewith used and occupied, did by good and lawful assurance and conveyance in [+the?] law assure to Richard Bowser, deceased, father of the said defendant, and to his heirs and assigns forever the said manor of Sheriffs with the appurtenances, of which said premises the said parcel of grounds in the said bill of complaint mentioned called the Gall and divers other parcels of ground then in the plaintiff's possession were parcel, as this defendant thought, by the virtue thereof the said Richard Bowser was of the said manor and other the premises seised in his demesne as of fee, as the defendant verily thought, and being so seised, did take the issues, revenues and profits of the said manor and also the said parcel of ground called the Gall during his life, and demised the said parcel of ground called the Gall to sundry persons from year to year or at will, and amongst other to the said complainant, which did continually pay the rent reserved out of the said parcel of ground called the Gall to the said Richard Bowser during his life;

And the said Richard died seised of the premises, which descended to the defendant as son and heir of the said Richard Bowser, and the defendant entered thereinto and received the issues and profits thereof, and that the said complainant, being farmer of the said parcel of ground called the Gall by the demise of the defendant's father at will or from year to year, and since his decease by the demise of the defendant, did pay the rent thereupon reserved to the said defendant divers years, until about the 30th or 31st years [=1588-9], the said complainant having purchased or intending to purchase of the said Earl of Oxford the said priory of Colne in the bill mentioned, then he refused to pay the said rent to the defendant for the said parcel of grounds called the Gall, whereupon the defendant did enter into the same and the plaintiff re-entered, whereupon the defendant brought his action of trespass at the common law against the said complainant for the cutting down of certain trees growing upon the said parcel of ground, in which action the now plaintiff was found guilty by verdict of twelve men and damages were assessed and judgment was given for the defendant against the complainant, as by the said answer likewise remaining of record in this honourable Court more at large it doth and may appear, to which answer the plaintiff replied, whereupon the parties were at issue and witnesses were examined and publication thereof was granted accordingly, and afterwards a day was appointed for the hearing of the said cause in this court, upon the entering into the hearing whereof in the presence of the said parties and of their counsel learned it appeared that the only chief question between the said parties was whether the parcel of land in question called the Gall be parcel of the manor of Sheriffs, Essex, or of the manor of Colne Priory, Essex, which point or question is meetest to be tried at the common law, where a verdict passed for the defendant against the plaintiff's title before the said plaintiff exhibited his bill into this Court;

It is therefore this present term of Trinity, that is to say, on Monday the 14th day of June in the thirty-eighth year [=14 June 1596] of the Queen's Majesty that now is, by the right honourable Thomas Egerton, knight, Lord Keeper of the Great Seal of England, and the Court of Chancery ordered, adjudged and decreed that the matter of the said plaintiff's bill and the defendant's answer and all circumstances touching the same be clearly and absolutely dismissed out of this Court to be determined by the course of the common law;

And because the plaintiff brought the matter into the Court after the said verdict had passed against him at the common law, and after such time as the plaintiff had taken the said parcel of lands by several leased [sic] from the defendant and from his late father and has paid rent to them divers years for the same, and yet the plaintiff brought in this Court to disprove the defendant's title, therefore it is likewise ordered and decreed by the authority aforesaid that the plaintiff shall pay to the defendant 4 marks for his costs wrongfully sustained by this suit.