

SUMMARY: The document below is an exemplification dated 21 November 1575 of a common recovery in Michaelmas term in the Court of Common Pleas of Oxford's manors of Roseworthy in Gwinear, Tregenna Wollas and Tregenna Wartha in St Ewe, Bejowan in St Columb Minor, Domellick in St Dennis, Tresithney in St Columb Major, and Tregorrick in St Austell, all in Cornwall, between Oxford's three trustees, Sir William Cordell, Master of the Rolls, Thomas Bromley, the Queen's Solicitor-General, and Edward Hubberd, Oxford's receiver-general, on the one part, and Edward Cordell, a brother of Sir William Cordell, and Bernard Dewhurst, a servant of Lord Burghley, on the other part. On 20 January 1575 Oxford had conveyed these and other manors to Cordell, Bromley and Hubberd for £6000 by an indenture of bargain and sale (see SRO D615/D 45 (1)). It would appear that Sir William Cordell and Thomas Bromley, although nominally Oxford's trustees, represented the Queen's interests, since when Oxford sued his livery in 1572, he had been required to pledge all his lands as security for his debt to the Queen in the Court of Wards. A common recovery was a fictitious lawsuit, usually for the purpose of breaking an entail so that the lands could be sold. It customarily involved a fictitious individual named Hugh Hunt, and a clerk of the court (John Hoell in the document below) whose role was to make default by non-appearance. Why Oxford's trustees went through the complicated procedure of a common recovery with respect to Oxford's manors in Cornwall is unclear, since on 27 January and 18 April 1575 the manors in question had already been the subject of a fine, another type of fictitious lawsuit whose purpose was to clear the title of entails or other encumbrances (see AR/1/854). According to a pedigree in AR/1/851, the manors of Tregenna Wartha and Tregorrick had descended in fee tail from John Tregennow, and the manor of Tresithney had descended in fee tail from Richard Tresithney, to John de Vere, 15th Earl of Oxford, through his mother, Alice Colbroke. Oxford's trustees may thus have deemed the common recovery of 21 November 1575 necessary to break these entails if it was considered that for some reason the fine of 27 January and 18 April 1575 had not done so. Shortly after the common recovery, the manors were sold by the three trustees to Sir John Arundel (d.1590) of Lanherne by an indenture of bargain and sale dated 20 December 1575 for the stated consideration of £3083 5s 8d (see AR/1/856). In the document below, Edward Cordell and Bernard Dewhurst are said to have been represented in the common recovery by their attorney, Robert Ethell. Interestingly, Ethell is mentioned on pp. 29-30 of *Thomas Lodge and Other Elizabethans* in a case involving the dramatist Thomas Lodge. For the common recovery of Oxford's manor of Barwicks, see TNA E 41/406.

Elizabeth by the grace of God Queen of England, France & Ireland, Defender of the Faith, etc., to all to whom these present letters shall come, greeting. KNOW that among the pleas enrolled at Westminster before James Dyer, knight, & his fellows, our justices of the Common Pleas, in Michaelmas term in the seventeenth & eighteenth year of our reign upon the 124th roll it is thus contained, as it appears elsewhere in Easter term last past upon the 126th roll it is thus contained:

Cornwall. Edward Cordell, esquire, & Bernard Dewhurst, gentleman, by their attorney, Robert Ethell, demand against William Cordell, knight, Master of the Rolls of the Court of Chancery of the Lady Queen, Thomas Bromley, esquire, Solicitor-General of the Lady Queen, & Edward Hubberd, gentleman, the manors of Roseworthy, Tregenna Wollas, Bejowan, Domellick, Tregenna Wartha, Tresithney alias Tresithwey & Tregorrick with the appurtenances, and one hundred & sixty messuages, six mills, eight dovecots, two hundred gardens, two thousand acres of land, six hundred acres of meadow, two thousand acres of pasture, four hundred acres of wood, five hundred acres of furze & heath & fifteen pounds of rent with the appurtenances in Roseworthy, Tregenna Wollas, Bejowan, Domellick, Tregenna Wartha, Tresithney, Tregorrick & Kestle as their right & inheritance, and into which the same William, Thomas & Edward Hubberd have no entry save after the disseisin which Hugh Hunt unjustly & without judgment has made thereof to the forenamed Edward Cordell & Bernard within thirty years now last past etc., and whereof they say that they themselves were seised of the manors, tenements & rents aforesaid with the appurtenances in their demesne as of fee & right in time of peace in the time of the now Lady Queen, by taking the profits thereof to the value etc. And into which etc. And whereof they bring suit etc.;

And the foresaid William, Thomas, and Edward Hubberd by John Franklyn, their attorney, come and defend their right when etc. And thereupon they vouch to warrant Edward, Earl of Oxford, that they might have him here on the octave of St Michael, and that they might summon [+him] in the foresaid county by the assistance of the court etc. And on the same day it was granted to the foresaid parties here etc. At which day the plea aforesaid was adjourned by a writ of the Lady Queen of common adjournment here until one month after Saint Michael then next following. By which means(?) here on that day, namely at the foresaid month of Saint Michael, comes, so the foresaid Edward Cordell & Bernard by their foresaid attorney, as the foresaid William, Thomas, & Edward Hubberd by their foresaid attorney. And the foresaid Earl, summoned etc., similarly comes by Richard Emery, his attorney, and freely warrants to them the foresaid manors, tenements & rents with the appurtenances etc.;

And hereupon the foresaid Edward Cordell & Bernard demand against the said Earl, tenant by his own warrant, the foresaid manors, tenements & rents with the appurtenances in the form aforesaid etc., and whereof they say that they themselves were seised of the manors, tenements & rents aforesaid with the appurtenances in their demesne as of fee & right in the time of peace in the time of the now Lady Queen, by taking the profits thereof to the value etc.. And into which etc.. And whereof they bring suit etc.;

And the foresaid Earl, tenant by his own warrant, defends his right when etc. And further vouches thereof to warrant John Hoell, who is present here in the court in his own person, and freely warrants to him the foresaid manors, tenements & rents with the appurtenances etc.;

And hereupon the foresaid Edward Cordell & Bernard demand against the said, John, tenant by his own warrant, the foresaid manors, tenements & rents with the

appurtenances in form aforesaid etc. And whereof they say that they themselves were seised of the foresaid manors, tenements & rents with the appurtenances in their demesne as of fee & right in the time of peace in the time of the now Lady Queen, by taking the profits thereof to the value etc. And into which etc. And whereof they bring suit etc.;

And the foresaid John, tenant by his own warrant, defends his right when etc. And says that the foresaid Hugh did not disseise the forenamed Edward Cordell & Bernard of the foresaid manors, tenements & rents with the appurtenances, as the same Edward & Bernard by their writ & statement of claim above do suppose. And of this he puts himself upon the country etc.;

And the foresaid Edward Cordell & Bernard thereby demand leave to imparl. And they have [+it] etc. And afterwards the same Edward & Bernard come again here into the Court in that same term by their foresaid attorney. And the foresaid John, though solemnly called, does not come again, but has departed in contempt of the court, & makes default. Therefore it is considered that the foresaid Edward Cordell & Bernard do recover their seisin against the forenamed William, Thomas, & Edward Hubberd of the foresaid manors, tenements & rents with the appurtenances, and that the same William, Thomas & Edward might have of the land of the foresaid Earl to the value etc. And that the same Earl further might have of the land of the foresaid John Hoell to the value etc. And the same John in mercy etc.;

And hereupon the foresaid Edward Cordell & Bernard demand a writ of the Lady Queen to be directed to the sheriff of the county aforesaid to cause them to have full seisin of the foresaid manors, tenements & rents with the appurtenances. And it is granted to them, returnable here on the octave of Saint Martin. At which day there come here the foresaid Edward Cordell & Bernard by their foresaid attorney. And the sheriff, namely John Covyll, esquire, [v o?] now returns that he, by virtue of that writ to him directed on the twelfth day of November last past, did cause the forenamed Edward Cordell & Bernard to have full seisin of the foresaid manors, tenements & rents with the appurtenances, as by that writ he was commanded etc.;

All & singular which, at the request of the foresaid Edward Cordell & Bernard, by the tenor of these presents we have held good to be exemplified. In testimony whereof we have caused our seal, appointed for sealing writs in the Bench aforesaid, to be affixed by our deputy to these presents. Witness James Dyer at Westminster the 21st day of November in the eighteenth year of our reign.

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1 Elizabetha dei gratia Anglie ffrancie & Hibernie Regina fidei defensor &c OMNIBUS ad quos presentes littere peruenerint salutem SCIATIS quod inter placita irrotulata apud Westmonasterium coram

2 Iacobo Dyer Milite & socijs suis Iusticiarijs nostris de Banco Communi Termino sancti Michaelis Anno regni nostri Decimo septimo & Decimo octavo Rotulo Cxxiiij continetur sic Alias prout patet Termino Pasche

3 vltimo preterito Rotulo Cxxvj continetur sic Cornubia ss Edwardus Cordell Armiger & Barnardus Dewhurst Generosus per Robertum Ethell Attornatum suum petunt versus Willelmum Cordell Militem Magistrum Rotulorum

4 Curie Cancellarie domine Regine Thomam Bromley Armigerum Solicitorem domine Regine generalem & Edwardum Hubbert Generosum Maneria de Roseworye Tregonnowe Wollas Bosvyn

5 Dymyliock Tregonnowe Wartha Tresithney alias Tresithwey & Tregoryck cum pertinentijs ac Centum & sexaginta mesuagia sex molendina octo Columbaria ducenta gardina duo millia

6 acras terre sexcentas acras prati duo millia acras pasture quadringentas acras bosci quingentas acras iampnorum & bruere & quindecim libratas redditus cum pertinentijs in Rosewory Tregonnowe Wollas, Bosvyn Dymyliock

7 Tregonnowe Wartha Tresithney Tregoryck & Kestell vt ius & hereditatem suam Et in que ijdem Willelmus Thomas & Edwardus Hubbert non habent ingressum nisi post disseisinam quam Hugo Hunt inde iniuste & sine

8 iudicio fecit prefatis Edwardo Cordell & Barnardo infra triginta Annos iam vltimos elapsos &c Et vnde dicunt quod ipsimet fuerunt seisati de Manerijs tenementis & redditibus predictis cum pertinentijs in dominico suo vt de feodo & iure tempore

9 pacis tempore domine Regine nunc capiendo inde explecias ad valenciam &c Et in que &c Et inde producunt sectam &c Et predicti Willelmus Thomas & Edwardus Hubbert per Johannem ffranklyn Attornatum suum veniunt Et defendunt ius

10 suum quando etc. Et vocant inde ad Warentum Edwardum Comitem Oxonie habeant eum hic in Octabis sancti Michaelis Et summonitent in Comitatu predicto per Auxilium Curie &c Idem dies datus est partibus predictis hic &c Ad quem diem loquela

11 predicta adiournata fuit per breve domine Regine de communi adiornamento hic vsque a die sancti Michaelis in vnum Mensem tunc proximam sequentem Eo modo hic ad hunc diem scilicet ad predictum mensem sancti Michaelis venit tam predicti Edwardus Cordell

12 & Barnardus per attornatum suum predictum quam predicti Willelmus Thomas & Edwardus Hubbert per attornatum suum predictum Et predictus Comes summonitus(?) &c per Ricardum Emerye Attornatum suum similiter venit Et gratis Maneria tenementa & redditus predicta cum pertinentijs

13 eis Warrantat &c Et super hoc predicti Edwardus Cordell & Barnardus petunt versus ipsum Comitem tenentem per Warentizationem suam Maneria tenementa & redditus predicta cum pertinentijs in forma predicta &c Et unde dicunt quod ipsimet fuerunt seisati de Manerijs

14 tenementis & redditibus predictis cum pertinentijs in dominico suo vt de feodo & iure tempore pacis tempore domine Regine nunc capiendo inde explecias ad valenciam &c Et in que &c Et inde producunt sectam &c Et predictus Comes tenens

15 per Warentizationem suam defendit ius suum quando &c Et vltorius vocat inde ad Warentum Iohannem Hoell qui presens est hic in Curia in propria persona sua Et gratis Maneria tenementa & redditus predicta cum pertinentijs ei Warantat &c Et super hoc predicti Edwardus

16 Cordell & Barnardus petunt versus ipsum Iohannem tenentem per Warentizationem suam Maneria tenementa & redditus predicta cum pertinentijs in forma predicta &c Et vnde dicunt quod ipsimet fuerunt seisati de Manerijs tenementis & redditibus predictis cum pertinentijs in dominico suo vt

17 de feodo & iure tempore pacis tempore domine Regine nunc capiendo inde explecias ad valenciam &c Et in que &c Et inde producunt sectam &c Et predictus Iohannes tenens per Warentizationem suam defendit ius quando &c Et dicit

18 quod predictus Hugo non disseisavit prefatos Edwardum Cordell & Barnardum de Manerijs tenementis & redditibus predictis cum pertinentijs prout ijdem Edwardus & Barnardus per breve & narrationem suam predictas superius supponunt Et de hoc ponit se super

19 patriam &c Et predicti Edwardus Cordell & Barnardus petunt licenciam inde interloquendi Et habent &c Et postea ijdem Edwardus & Barnardus reueniunt hic in Curiam isto eodem termino per Attornatum suum predictum Et predictus Iohannes licet

20 solempniter exactus non reuenit Set in contemptum Curie recessit & defaultam facit Ideo consequens est quod predicti Edwardus Cordell & Barnardus recuperent seisinam suam versus prefati Willelmum Thomam & Edwardum Hubbert de

21 Manerijs tenementis & redditibus predictis cum pertinentijs Eo quod ijdem Willelmus Thomas & Edwardus habeant de terra predicti Comitis ad valenciam &c Eo quod idem Comes vltorius habeat de terra predicti Iohannis Hoell ad valenciam &c

22 Et idem Iohannes in misericordia &c Et super hoc predicti Edwardus Cordell & Barnardus petunt breve domine Regine de habere faciendo eis plenariam seisinam de Manerijs tenementis & redditibus predictis cum pertinentijs Vicecomiti Comitatus predicti dirigendo Et eis

23 conceditur retornabile hic in Octabis sancti Martini &c Ad quem diem hic veniunt predicti Edwardus Cordell & Barnardus per Attornatum suum predictum Et vicecomes videlicet Iohannes Covyll Armiger v o modo mandat quod ipse virtute brevis

24 illius sibi directi duodecimo die Novembris vltimo preterito habere fecit prefatis Edwardo Cordell & Barnardo plenariam seisinam de Manerijs tenementis & redditibus predictis cum pertinentijs prout per breve illud sibi preceptum fuit &c QUE omnia & singula ad

25 requisicionem predictorum Edwardi Cordell & Barnardi tenere presencium duximus exemplificanda IN cuius rei testimonium sigillum nostrum ad brevia in Banco predicto sigillandum deputato presentibus apponi fecimus Teste Iacobo Dyer

26 Apud Westmonasterium Xxi Die Novembris Anno Regni Nostri Decimo Octavo

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