

SUMMARY: The document below is an exemplification dated 11 May 1580 of a common recovery in the Court of Common Pleas for the manor of Barwicks in Toppesfield between Oxford, on the one part, and Sir William Cordell and Edward Cordell on the other part. A common recovery was a fictitious lawsuit, usually for the purpose of breaking an entail so that the land could be sold. It customarily involved a fictitious individual named Hugh Hunt. Its purpose in this case may have been to break the entail set up by the 16<sup>th</sup> Earl for this property as described in Part 53 of WARD 8/13. A description of the legal procedure involved in a common recovery can be found at: <http://www.lectlaw.com/def2/q116.htm>. For the common recovery of Oxford's manors in Cornwall, see AR/1/855.

Elizabeth by the grace of God Queen of England, France & Ireland, Defender of the Faith, etc., to all to whom the 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 Easter term in the twenty-second year [=1580] of the reign, upon the 432<sup>nd</sup> roll it is thus contained:

Essex. William Cordell, knight, Master of the Rolls of the Court of Chancery of the Lady Queen, & Edward Cordell, esquire, in their own persons claim against Edward, Earl of Oxenford, Great Chamberlain of England, the manor of Barwicks with the appurtenances and one messuage, two tofts, one dovecot, two gardens, one hundred acres of land, forty acres of meadow, forty acres of pasture, thirty acres of wood, twenty acres of furze & heath, twenty acres of moor & twenty acres of marsh with the appurtenances in Toppesfield & Nether Yeldham alias Great Yeldham as their right & inheritance, and into which the same Earl has no entry save after the disseisin which Hugh Hunt unjustly & without judgment has made thereof to the forenamed William & Edward Cordell within thirty years now last past etc.;

And whereof they say that they themselves were seised of the manor & tenements 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 Earl by William Yardley, his attorney, [+comes] and defends his right, when etc. And thereupon he vouches to warrant John Booth, who is present here in court in his own person, and freely warrants to him the foresaid manor & tenements with the appurtenances etc.;

And hereupon the foresaid William & Edward Cordell demand against the said John, tenant by his own warrant, the foresaid manor & tenements with the appurtenances in form aforesaid etc. And whereof they say that they themselves were seised of the foresaid manor & tenements 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 John, tenant by his own warrant, defends his right when etc. And says that the foresaid Hugh did not disseise the forenamed William & Edward Cordell of the foresaid manor & tenements with the appurtenances as the same William & Edward by their foresaid writ & statement of claim above do suppose. And of this he puts himself upon the country etc.;

And the foresaid William & Edward Cordell thereby crave leave to imparl. And they have [+it] etc. And afterwards the same William & Edward come again here into court in this same term in their proper persons. 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 William & Edward do recover their seisin against the forenamed Earl of the foresaid [+manor &] tenements with the appurtenances. And that the same Earl might have of the land of the foresaid John to the value etc. And the same John in mercy etc.;

And hereupon the foresaid William & Edward Cordell pray a writ of the Lady Queen to cause them to have full seisin of the foresaid manor & tenements with the appurtenances. And, it is granted to them, returnable here five weeks from the day of Easter etc.;

At which day there come here the foresaid William & Edward Cordell in their proper persons. And the sheriff, namely Henry Capel, esquire, now sendeth that he, by virtue of that writ to him directed on the fifth day of May last past, did cause the forenamed William & Edward Cordell to have full seisin of the foresaid manor & tenements with the appurtenances, as by that writ he was commanded etc.;

All & singular which, at the request of the foresaid William & Edward Cordell, 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 on the 11<sup>th</sup> day of May in the twenty-second year of our reign.

Filmer(?)

1 Elizabetha dei gratia Anglie ffrancie & Hibernie Regina fidei defensor &c. Omnibus Ad quos presentes littere peruenerint salutem Sciatis quod inter placita irrotulata apud

2 Westmonasterium coram Iacobo Dyer Milite & socijs suis Iusticijs nostris de Banco Communi Termino Pasche Anno regni vicesimo secundo Rotulo CCCCxxxijo continetur sic Essex Willelmus

3 Cordell Miles Magister Rotulorum Curie Cancellarie domine Regine & Edwardus Cordell Armiger in propriis personis suis petunt versus Edwardum Comitem Oxonie magnum

4 Camerarium Anglie Manerium de Barwickes cum pertinentijs ac vnum mesuagium duo tofta vnum Columbarium duo gardina Centum acras terre quadraginta acras prati quadraginta acras

5 pasture triginta acras bosci viginti acras iampnorum & bruere viginti acras more & viginti acras marisci cum pertinentijs in Toppesfeild & Nether Yeldham alias

6 Yeldham magna vt ius & hereditatem suam Et in que idem Comes non habet ingressum nisi post disseisinam quam Hugo Hunt inde iniuste & sine iudicio fecit prefatis Willelmo & Edwardo Cordell

7 infra triginta annos iam vltimos elapsos &c Et vnde dicunt quod ipsimet fuerunt seisati de Manerio & tenementis predictis cum pertinentijs in dominico suo vt de feodo & iure tempore pacis tempore domine Regine nunc capiendo

8 inde explesias ad valenciam &c Et in que &c Et inde producunt sectam &c Et predictus Comes per Willelmum Yardley Attornatum suum [+venit] et defendit ius suum quando &c Et vocat inde ad Warentum Iohannem Booth,

9 qui presens est hic in Curia in propria persona sua Et gratis Manerium & tenementa predicta cum pertinentijs ei Warrantat &c Et super hoc predicti Willelmus & Edwardus Cordell petunt versus ipsum Iohannem tenentem per Warentizationem suam Manerium & tenementa predicta

10 cum pertinentijs in forma predicta &c Et vnde dicunt quod ipsimet fuerunt seisati de Manerio & tenementis predictis cum pertinentijs in dominico suo vt de feodo & iure tempore pacis tempore domine Regine nunc capiendo inde explesias

11 ad valenciam &c Et in que &c Et inde producunt sectam &c Et predictus Iohannes tenens per Warentizationem suam defendit ius suum quando &c Et dicit quod predictus Hugo non disseisavit prefatos Willelmum & Edwardum

12 Cordell de Manerio & tenementis predictis cum pertinentijs prout ijdem Willelmus & Edwardus per breue & narrationem suam predictas superius supponunt Et de hoc ponit se super patriam &c Et predicti Willelmus & Edwardus Cordell petunt

13 licenciam inde interloquendi Et habent &c Et postea ijdem Willelmus & Edwardus reueniunt hic in Curiam isto eodem Termino in propriis personis suis Et predictus Iohannes licet solempniter exactus non reuenit set in

14 contemptum Curie recessit & defaltam facit Ideo consequens est quod predicti Willelmus & Edwardus recuperent seisinam suam versus prefatum Comitem de

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[+Manerio &] tenementis predictis cum pertinentijs Et quod idem Comes habeat de terra predicti

15 Iohanni ad valenciam &c Et idem Iohannes in misericordia &c Et super hoc predicti Willelmus & Edwardus Cordell petunt breue domine Regine de habere faciendo eis plenariam seisinam de Manerio & tenementis predictis cum pertinentijs Et eis

16 conceditur retornabile hic A die Pasche in quinque septimanas &c Ad quem diem hic veniunt predicti Willelmus & Edwardus Cordell in propriis personis suis Et vicecomes videlicet Henricus Capell Armiger modo

17 dicit(?) quod ipse virtute brevis illius sibi directi quinto die Maij vltimo preterito habere fecit prefatis Willelmo & Edwardo Cordell plenariam seisinam de Manerio & tenementis predictis cum pertinentijs prout per breve illud sibi preceptum fuit &c

18 Que omnia & singula ad requisicionem predictorum Willelmi & Edwardi Cordell tenore presencium duximus exemplificanda In cuius rei testimonium sigillum nostrum ad brevia in Banco predicto sigillandum

20 deputato presentibus apponi fecimus Teste Iacobo Dyer apud Westmonasterium xjo die Maij Anno regni nostri vicesimo secundo

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