

SUMMARY: The indenture below dated 22 June 1578 records the sale by Oxford of the lordship, manor and castle of Rising and related properties to Roger Townshend and Robert Buxton for £2396 13s 4d. Castle Rising had been part of the lands and possessions of Oxford's first cousin, the Duke of Norfolk, attainted of treason and executed in 1572, and had been granted to Oxford by the Queen five months earlier by letters patent dated 15 January 1578 (see PRO C 66/1165). A noteworthy feature of the indenture below is the clause which ensures the preservation of the rights of tenants and local inhabitants. Although there is no direct evidence that this clause was inserted at Oxford's behest, he is known from other documents to have been solicitous of the rights of his tenants. In its final clause the indenture states that if Oxford observes the conditions contained in the indenture, a recognizance of £2000 made by Oxford in favour of Townshend and Buxton will be void. All Oxford's sales of land appear to have been accompanied by recognizances of this nature. For a list of such recognizances, including this one, totalling almost £150,000 see PRO 30/34/14. The indenture is signed by Oxford alone, indicating that it is Townshend and Buxton's copy. An endorsement by Edward Stanhope states that the indenture was enrolled before him on 22 June 1578 at Oxford's house in Broad Street.

This indenture made the 22nd day of June in the twentieth year of the reign [=22 June 1578] of our Sovereign Lady Elizabeth, by the grace of God Queen of England, France, & Ireland, Defender of the Faith etc., between the right honourable Edward de Vere, Earl of Oxenford, Viscount Bulbeck and Lord Great Chamberlain of England and Lord of Badlesmere & Scales on thone party, and Robert Townshend, esquire, and Robert Buxton, gentleman, on thother party,

Witnesseth that whereas our said Sovereign Lady the Queen's Majesty by her Highness' letters patents bearing date at Hampton the fifteenth day of January in the 20th year [=15 January 1578] of her Majesty's reign, as well in consideration of the good and faithful service to her Highness done by the said Earl of Oxenford as also for divers other good considerations her Majesty specially moving, of her special grace, certain knowledge and mere motion have, among other manors, lands and tenements, given and granted for her, her heirs and successors, to the foresaid Edward, Earl of Oxenford, his heirs and assigns, all that her Highness' lordship or manor of Rising at the Castle with all the rights, members, liberties and appurtenances in the county of Norfolk, late being parcel of the lands and possessions of the late Duke of Norfolk of high treason attainted and convicted;

And all that her Highness' castle of Rising otherwise called Rising Castle with th' appurtenances in Rising aforesaid, and all that her Highness' site of the castle of Rising with th' appurtenances, and all the houses, edifices and buildings within the foresaid site of the foresaid castle or to the said castle or site or either of them belonging or appertaining;

And all that her Highness' close called the Brakeye close with th' appurtenances in Rising aforesaid in the said county of Norfolk and late parcel of the lands and possessions of the said late Duke of Norfolk;

And all those her Highness' lands, tenements, mills, fold-courses of sheep of divers kinds, rents and hereditaments whatsoever in Rising aforesaid in the said county of Norfolk, late parcel of the lands and possessions of the said late Duke;

And all and all manner her Highness' warrens, chases, guiding of wild beasts whatsoever, fishings, tolls, liberties, privileges, franchises, royalties and pre-eminences whatsoever to the said lordship, manor or castle of Rising aforesaid or to any of them belonging or in any wise appertaining or as part, parcel or member of the same lordship, manor, castle and other the premises or any parcel thereof being had, known, taken, used or reputed or in the same lordship, manor, castle and other the premises or in any of them or in any parcel thereof used, occupied or exercised;

And also all that her Highness' chase and free warren called Rising chase and the soil and ground of the same chase with all the rights, members, liberties and appurtenances in the said county of Norfolk, late parcel of the lands and possessions of the said late Duke of Norfolk, and all and singular the wild beasts, as well male as female, in and within the foresaid chase and free warren called Rising chase in the said county of Norfolk;

And also the advowsons, gifts, free dispositions and rights of patronage of the rectories and churches of Rising and Roydon and every of them in the said county of Norfolk with all their rights, members and appurtenances;

And also all and singular her Highness' messuages, mills whatsoever, houses, edifices, barns, stables, dovehouses, yards, orchards, gardens, lands, tenements, meadows, pastures, feedings, demesne lands, tithes, fold-courses, sheep folds, commons, wastes, heaths, lings, alder-carrs, moors, marshes, woods, underwoods, woodlands, waters, fishponds, fishings, ways, paths, rents, reversions and services, and rents and services reserved upon all leases and grants;

And also her Highness' farms, fee-farms, annuities and knights' fees, wards, marriages, escheats, reliefs, heriots, fines, amerciaments, courts, leets, views of frankpledge and all other things to a court, leet or view of frankpledge pertaining, chattels waived, estrays, chattels of felons and fugitives, felons of themselves and put in exigent, bondmen and bondwomen and villeins with their sequels, free warrens and fairs, markets, tolls, customs and all other rights, jurisdictions, franchises, privileges, liberties, profits, commodities, emoluments and hereditaments whatsoever, of whatsoever kind, nature or quality or by whatsoever names they be known, esteemed, knowledged or called, situate, lying and being, remaining, growing or arising within the towns, fields, parishes, places or hamlets of Rising at the Castle in the said county of Norfolk and elsewhere in the same county to the foresaid lordship, manor, castle and other the premises or to any of them by any manner of means belonging or appertaining or as members, parts or parcels of the same

lordship, manor or other the premises or to any of them had, known, accepted, used or reputed;

And all and singular her Highness' woods, underwoods and trees whatsoever of, in or upon the premises or any parcel thereof growing or being, and all the land, ground and soil of the same woods, underwoods and trees and the reversion and reversions whatsoever of all and singular the premises above-specified;

And where also our said Sovereign Lady by the said letters patents did give and grant for her Highness, her heirs and successors, to the foresaid Edward, Earl of Oxenford, his heirs and assigns, all and all manner, such, so many, the same and the like views of frankpledge, courts, leets and law-days, assize and assay of bread, wine and beer, chattels waived, estrays, free warrens, wild beasts, fairs, markets, tolls, the goods and chattels of felons and fugitives, felons of themselves and put in exigent, deodands, knights' fees, advowsons of churches, liberties, free customs, franchises, privileges, profits, commodities, services and emoluments whatsoever of or within the foresaid lordship, manor, castle and other the premises or of, in or within any parcel thereof happening or arising, and all and all manner, so many, such, the same and the like immunities, acquittances, exonerations, profits, benefits and advantages whatsoever for her Majesty's men, farmers and tenants whatsoever of the lordship, manor and castle aforesaid and other the premises or any parcel thereof how many, how much, what and of what sort and as amply, freely and wholly and in as ample manner and form as the said late Duke of Norfolk or any other the said lordship, manor, castle and other the premises above expressed and specified and by the said letters patents before granted or any parcel thereof before that time having, possessing or being seised thereof at any time lawfully have had, holden, used or enjoyed or of right ought to have, hold, use or enjoy within the said lordship, manor, castle and other the premises or any parcel thereof by reason or means of any writing, gift, grant or confirmation or any letters patents of our said Sovereign Lady the Queen's Majesty or any her Highness' progenitors before that time had, made, granted or confirmed or by reason or means of any lawful proscription, use or custom before that time had or used, or by any other lawful means or title;

And whereas also our said Sovereign Lady the Queen's Majesty by her Highness' said letters patents for her, her heirs and successors, did give and grant to the said Edward, Earl of Oxenford, the said lordship, manor, castle, rectories, messuages, lands, tenements, woods, underwoods, advowsons and all and singular the premises above expressed and specified with all their appurtenances as fully, freely and wholly and in as ample manner and form as all and singular those premises to th' hands of our said Sovereign Lady by reason or means of th' attainder of Thomas, late Duke of Norfolk or of any Act of Parliament or by any other means, right or title came or ought to come, and in her Majesty's hands then were or ought to be;

And whereas also our said Sovereign Lady the Queen's Majesty by her Highness' said letters patents did give and grant to the said Edward, Earl of Oxenford, his heirs and assigns, all that her Highness' manor of Gaywood with th' appurtenances in the said

county of Norfolk whereof one parcel of waste ground called Risseleye lying and being in Gaywood in the said county of Norfolk was and is parcel or accounted to be parcel;

To have and to hold the said manors and other the premises to the said Earl of Oxenford, his heirs and assigns, to the only and proper behoof and use of the said Earl, his heirs and assigns, forever, and to hold of her Majesty, her heirs and successors, in chief by the service and services of the fortieth part of a knight's fee, and yielding and paying to her Majesty, her heirs and successors, yearly forever of and for the foresaid lordship, manor and castle of Rising at the Castle and other the premises in Rising aforesaid in the said county of Norfolk or elsewhere in the said county of Norfolk to the said lordship or manor of Rising at the Castle pertaining or belonging threescore pounds eleven shillings and three pence farthing and one pound of pepper at the receipt of her Highness' Exchequer or to the hands of her Majesty's receiver of the county aforesaid, as by the said letters patents amongst divers other things more at large appeareth;

The said Edward, Earl of Oxenford, for and in consideration of the sum of two thousand three hundred fourscore and sixteen pounds thirteen shillings and four pence of lawful money of England to him, the said Earl, by the said Roger Townshend and Robert Buxton in hand paid and receipt, whereof the said Earl of Oxenford acknowledgeth, and thereof and of every part thereof acquitteth and dischargeth the said Roger and Robert and either of them, th' heirs and assigns of them and either of them, by these presents hath bargained and sold, and by these presents for him, his heirs and assigns, doth fully and clearly bargain and sell to the said Roger Townshend and Robert Buxton, their heirs and assigns, all that the said lordship or manor of Rising at the Castle with all the rights, members, liberties and appurtenances thereof in the county of Norfolk;

And all that the said castle of Rising otherwise called Rising Castle with th' appurtenances, and all that the said site of the said castle of Rising with th' appurtenances, and all the said houses, edifices and buildings within the said site of the castle aforesaid or to the said castle or site or either of them belonging or appertaining;

And all that the said close of land called Brakeye close with th' appurtenances;

And all those the said lands, tenements, mills whatsoever, fold-courses of sheep of divers kinds, rents and hereditaments whatsoever in Rising aforesaid by the said letters patents granted to the said Earl, his heirs and assigns, in manner and form aforesaid;

And all those the said warrens, chases, the guiding and ruling of wild beasts whatsoever, fishings, tolls, liberties, privileges, franchises, royalties and pre-eminences whatsoever to the said lordship, manor and castle of Rising aforesaid or to any of them belonging or in any wise appertaining or as part, parcel or member of the same lordship, manor, castle and other the premises or any parcel thereof being, taken, known, accepted, used or reputed or in the same lordship, castle, manor and other the premises or any of them or any parcel thereof being, used, occupied or exercised by the said letters patents granted to the said Earl;

And also all that the said chase and free warren called Rising chase and the soil and ground of the same chase with all the rights, members, liberties & appurtenances in the said county of Norfolk, and all and all manner of the said wild beasts, as well male as female, in and within the foresaid chase and free warren called Rising chase in the said county of Norfolk;

And also all the said advowsons, gifts, free dispositions and rights of patronage of the rectories and churches of Rising and Roydon and every of them in the said county of Norfolk with all the rights, members and appurtenances;

And also all and singular the said messuages, mills whatsoever, houses, buildings, barns, stables, dovehouses, yards, orchards, gardens, lands, tenements, meadows, pastures, feedings, demesne lands, tithes, fold-courses, sheep's courses, commons, wastes, heaths, lings, alder-carrs, moors, marshes, woods, underwoods, woodlands, waters, fishponds, fishings, ways, paths, reversions and services and the rents and services reserved upon any leases;

And also all those the said farms, fee-farms, annuities and knights' fees, wards, marriages, escheats, reliefs, heriots, fines, amerciements, courts leets, views of frankpledge and all things appertaining to courts leets and views of frankpledge, chattels waived, estrays, chattels of felons and fugitives, felons of themselves and put in exigent, bondmen and bondwomen and villeins with their sequels, free warrens and fairs, markets, tolls, customs and all other rights, jurisdictions, franchises, privileges, liberties, profits, commodities, emoluments and hereditaments whatsoever of whatsoever kind, nature or sort, or by whatsoever names they be known, reputed or called, situate, lying and being, coming, growing or arising within the towns, fields, parishes, places or hamlets of Rising at the Castle in the said county of Norfolk and elsewhere in the same county to the foresaid lordship, manor and castle of Rising and other the premises above bargained and sold of any of them in any wise belonging or appertaining or as members, parts or parcels of the same lordship, manor and other the premises above by these presents bargained and sold or any of them or being accounted, known, accepted, used or reputed to belong or appertain to the said manor and other the premises or any of them which were granted to the said Earl by the said letters patents;

And all and all manner of the said woods, underwoods, and trees whatsoever of, in and upon the premises or any parcel thereof growing or being, and all the land, ground and soil of the same woods, underwoods and trees and the reversion and reversions whatsoever of all and singular the premises before bargained and sold;

And the said Earl of Oxenford doth likewise for the consideration aforesaid by these presents bargain and sell to the said Roger Townshend and Robert Buxton, their heirs and assigns, all and all manner, so much, so many, such and the same views of frankpledge, courts leets and law-days, assize and assay of bread, wine and beer, chattels waived, estrays, free warrens, wild beasts, fairs, markets, tolls, goods and chattels of felons and fugitives and of felons of themselves and put in exigent, deodands, knights' fees, advowsons of churches, liberties, free customs, franchises, privileges, profits,

commodities, services and emoluments whatsoever of or within the said lordship, manor, castle or other the premises above bargained and sold or of or within any parcel thereof happening or arising as be given and granted to the said Earl and his heirs by the said letters patents above mentioned;

And all and all manner, so much, such, so many and the same immunities, acquittances, exonerations, profits, benefits and advantages whatsoever for himself, his men, farmers and tenants whatsoever of the said lordship, manor and castle and other the premises or any parcel thereof as be lawfully given and granted to the said Earl by the said letters patents;

And the said Earl of Oxenford for him and his heirs doth by these presents for the consideration aforesaid bargain and sell to the said Roger Townshend and Robert Buxton the said lordship, manor and castle of Rising and the said rectories, messuages, lands, tenements, woods, underwoods, advowsons and all and singular other the premises before by these presents bargained and sold with all and singular their appurtenances so fully, freely and wholly and in as ample manner and form as our said Sovereign Lady the Queen's Majesty have given and granted the said lordship, manor, castle and all and singular other the premises with their appurtenances to the said Earl of Oxenford and his heirs by the said letters patents;

To have and to hold all the said lordship, manor and castle of Rising and the said rectories, advowsons, tithes, site and the said messuages, lands, tenements, meadows, pastures, feedings, woods, underwoods, rents, reversions and services, and also the said courts leets and views of frankpledge, chattels waived, estrays, knights' fees, hereditaments and all and singular other the premises before by these presents bargained and sold with all and singular their appurtenances to the said Roger Townshend and Robert Buxton, their heirs and assigns, to th' only and proper use and behoof of the same Roger and Robert, their heirs and assigns, forever;

To hold the same lordship, manor, castle, rectories, advowsons, tithes, site, messuages, lands, tenements, meadows, pastures, feedings and all and singular other the premises of our said Sovereign Lady the Queen's Majesty, her heirs and successors, in such manner and form and by such services as is expressed and limited in the letters patents aforesaid, and yielding and paying to our said Sovereign Lady the Queen's Majesty, her heirs and successors, such rents and services for the premises and every part and parcel thereof as is mentioned, limited, reserved and expressed in the letters patents aforesaid;

And the said Earl of Oxenford doth by these presents and for the consideration aforesaid bargain and sell to the said Roger Townshend and Robert Buxton, their heirs and assigns, all that the foresaid waste ground and the soil thereof called Risseleye, and all the trees, woods and underwoods thereupon growing, lying and being in Gaywood in the said county of Norfolk being parcel or accounted to be parcel of the foresaid manor of Gaywood in the said county of Norfolk which the said Earl had amongst the premises and other things of the gift and grant of the Queen's Highness by the letters patents aforesaid;

Excepted and always reserved out of these presents one close or enclosed ground now commonly called Risseleye close adjoining to the said waste ground, and also excepting, saving and reserving all such feeding, pasture, and common of pasture in and upon the said waste, and liberty of drift and passage to and from the said waste ground, as the tenants and inhabitants of the town of Gaywood have usually and accustomedly had, used or enjoyed, and also excepting, saving and reserving to the said Earl, his heirs and assigns, all such liberty of common feeding and pasturing of sheep and other cattle in and upon the said waste as hath been commonly belonging or accounted or taken to be belonging to the fold-course in Gaywood aforesaid commonly called the north fold-course, and such liberty of common feeding and pasturing for sheep and cattle as the said Earl and all other the owners and possessors of the said fold-course have most accustomedly taken, used and enjoyed in and upon the said waste ground called Risseleye, and also excepted, saved and reserved all liberty of drift and redrift, passage and repassage, to and from the said waste ground for [sic?] the said Earl, his heirs and assigns, or owners of the said fold-course and all other the inhabitants of the town of Gaywood now have or ought or have used to have with their sheep and cattle to and from the said town of Gaywood and the said fold-course and every of them when and as often as need required, to have and to hold the said waste ground and the soil thereof and other the premises (except before excepted) to the said Roger Townshend and Robert Buxton, their heirs and assigns, to th' only use and behoof of the same Roger and Robert, their heirs and assigns, forever;

And the said Roger Townshend and Robert Buxton do covenant and grant for them, their heirs, executors, administrators and assigns to and with the said Earl of Oxenford, his heirs and assigns, that he, the said Earl, his heirs and assigns, shall and may keep and feed in and upon the said waste ground called Risseleye such sheep and cattle as shall be kept and maintained by the said Earl, his heirs & assigns, in and upon the said fold-course and ground called the north fold-course in manner and form as hath been accustomed, and shall have, take and enjoy such common feeding and pasture for the said sheep and cattle in such order as the said Earl and all other the owners and possessors of the manor of Gaywood have accustomedly used to have, take and enjoy in and upon the said waste ground, and that all other the inhabitants of Gaywood aforesaid shall likewise have, take and enjoy such common and feeding for their sheep and cattle and every of them as they have or ought to have by any lawful usage, prescription, grant or custom, and not otherwise, and that the said Earl, his heirs or assigns, and all other the foresaid inhabitants shall quietly drive, pass, come and go with their cattle to and from the said waste ground in such sort as hath been heretofore used and accustomed without the let or interruption of the said Roger Townshend and Robert Buxton or any of them, their or any of their heirs or assigns;

And the said Roger Townshend and Robert Buxton do further covenant and grant for them, their heirs, executors, administrators and assigns to and with the said Earl of Oxenford, his heirs and assigns, that if the said Earl, his heirs & assigns, shall at any time hereafter lay out and make or cause to be laid out and made in and upon the said close or waste ground called Risseleye close one convenient or necessary way over the same close for (?) the said Earl, his heirs or assigns, and his and their tenants and farmers of the said

fold-course and other the inhabitants of Gaywood aforesaid to drive and redrive their sheep and cattle upon(?) the said waste ground called Risseleye, that then it shall be lawful to the said Earl, his heirs or assigns, to take out and [] from the said waste ground so much ground next adjoining to the said close as shall amount to the quantity and contents of the way so laid and made in and upon the said close called Risseleye close;

And the said Edward, Earl of Oxenford, for himself, his heirs, executors and administrators covenanteth and granteth to and with the said Roger Townshend and Robert Buxton and either of them, th' heirs and assigns of them and either of them, by these presents that he, the said Earl of Oxenford, and his heirs and all and every other person and persons and their heirs having or rightfully claiming to have any lawful estate, right, use or interest of and in the said lordship, manor, castle and other the premises before by these presents bargained and sold or any part or parcel thereof by any lawful gift, grant or conveyance by, from or under the said Earl of Oxenford shall at all times hereafter and from time to time during the space of two whole years next ensuing the date hereof upon reasonable request and at the costs and charges in the law of the said Roger Townshend and Robert Buxton or either of them, th' heirs or assigns of them or either of them, make and suffer to be made such further and reasonable assurance and conveyance, assurances and conveyances, as the said Earl, his heirs and assigns, and all other the persons aforesaid may lawfully make of the above-bargained premises and every part thereof unto the said Roger Townshend and Robert Buxton, their heirs and assigns, by feoffment or feoffments, deed or deeds enrolled, enrolment of these presents, release, confirmation and every or any of them without any manner of condition with warranty only against the said Earl, his heirs and assigns, as shall be reasonably advised, devised and required by the said Roger and Robert or either of them or by his or their learned counsel;

And the said Edward, Earl of Oxenford, for him, his heirs, executors and administrators further covenanteth and granteth to and with the said Roger Townshend and Robert Buxton and either of them, th' heirs and assigns of them and either of them, by these presents that he, the said Edward, Earl of Oxenford, his heirs, executors and administrators, shall and will from time to time and at all times hereafter upon reasonable request by the said Roger and Robert or either of them, th' heirs or assigns of them or either of them, to the said Edward, Earl of Oxenford, to be made, clearly acquit, exonerate and discharge or otherwise sufficiently save and keep harmless and indemnified as well the said Roger and Robert and either of them, th' heirs and assigns of them and either of them, as also the said lordship, manor, castle and all and singular other the premises before by these presents bargained and sold with all and singular their appurtenances and every part and parcel thereof of and from all manner of former bargains, sales, gifts, grants, leases, uses, wills, entails, jointures, dowers, fines, condemnations, judgments, executions, recognizances, statutes merchant and of the Staple, redemptions, evictions, intrusions, forfeitures, rents-charge, rents-seck, arrearages of rents, and of and from all other titles, charges, troubles and other encumbrances whatsoever had, made, knowledged, committed or done by the said Earl of Oxenford or by any other person or persons by his assent, consent, act, means, procurement or agreement, the tenure, rents and services reserved in and by the foresaid letters patents

and hereafter to be done and payable to our said Sovereign Lady the Queen's Majesty, her heirs and successors, and the rents and services hereafter to be done to the chief lord and lords of the fee always excepted and forprised;

And the said Roger Townshend and Robert Buxton for them, their heirs, executors and administrators, do covenant and grant to and with the said Edward, Earl of Oxenford, his heirs and assigns, by these presents that if the said Earl, his heirs, executors, administrators and assigns shall perform, observe, fulfil, accomplish and keep or cause to be observed, performed, fulfilled and kept all & singular the covenants in these presents contained with every part [+by] the said Earl, his heirs, executors or assigns to be performed, observed and kept, that then one recognizance of two thousand pounds bearing date the said two and twentieth day of June in the twentieth year of the reign of our said Sovereign Lady the Queen's Majesty acknowledged before our said Sovereign Lady the Queen in her Majesty's High Court of Chancery by the said Earl to the said Roger Townshend and Robert Buxton shall be utterly void and of none effect, or else shall stand, remain and be in his full force, strength and virtue;

In witness whereof the parties above-named to these present indentures interchangeably have set their seals the day and year first above written. 1578.

Edward Oxford

Recognitum per Honoratissimum Oxoniensem Comitem Coram me Edwardo Stanhope Cancellarie Domine Regine Magistrorum vno in edibus dicti Comitis in Brodstreet 22 Junij 1578 Edward Stanhope [=Acknowledged by the right honourable Earl of Oxenford before me, Edward Stanhope, one of the Masters of Chancery of the Lady Queen, in the house of the said Earl in Broad Street, 22 June 1578. Edward Stanhope]

Irrotulatum in Dorso Clausarum Cancellarie infrascripte domine Regine vicesimo sexto die Iunij Anno similiter infrascripto per Willelmum Herd et Iohannem Baylye Deputates Clericis Irrotulamentorum [= Enrolled on the dorse of the Close Rolls of the Chancery of the within-written Lady Queen on the twenty-sixth day of June in the year similarly within-written by William Herd and John Bailey, deputies to the Clerks of the Enrolments]