

SUMMARY: The documents below are interrogatories drawn up on behalf of Oxford in his suit against Roger and Richard Harlakenden for fraud in the sale of Colne Priory, together with answers taken in November 1599 and February 1600 from six witnesses listed at the beginning of the interrogatories.

The interrogatories and answers focus on the issues of fraud in Roger Harlakenden's valuation of Colne Priory and of a promise made by Harlakenden that if Oxford would sell Colne Priory to him at the value Harlakenden had set on it under Oxford's commission granted to him, Harlakenden would reconvey the property to Oxford after the sale if Oxford should find that Harlakenden had undervalued the property. The answers contain evidence suggesting both Harlakenden's deliberate undervaluation of the property and his bribing of Oxford's servants to conceal that fact, as well as evidence that Harlakenden had in fact made a promise, both to Oxford and to the recently-deceased Lord Burghley, to reconvey Colne Priory at Oxford's option (as well as a similar promise with respect to the manor of Inglethorpe). The Court of Chancery had rendered a decision on other issues in the case on 10 February 1599 (see TNA C 78/104). However at that time the court made the following statement about the issues of fraud in Harlakenden's undervaluation of the property and Harlakenden's promise to reconvey the property to Oxford at Oxford's option:

And as touching the reassurance or recompense which the plainant demandeth in respect of the promise of the said Roger Harlakenden, and for that he was by the deceit and fraud of the said Roger Harlakenden and the confederacy aforesaid with Felton and Drawater, as he supposeth, drawn to sell and convey the said lands to his the said Roger his son at a less value by a great deal than the same lands were worth, this court thinks not fit now to proceed to the hearing and ordering of that point, but doth order that either of the said parties shall make true breviates touching their proofs of that point, as also touching the promise of reassurance made by the defendant Roger to the plainant, as he supposeth, and that either part shall see the briefs of the other to th' end that nothing shall be inserted therein but that which is true as it stands proved in court, and then the same briefs shall be delivered to the Lord Keeper, who will be pleased to have the opinion of some of the Lord Chief Justices how far-forth this court may give relief to the plainant touching his said demand.

It would appear that the interrogatories and answers below were taken to further the preparation of Oxford's breviat.

For Lord Burghley's long-time servant, Walter Cope (1553? – 30 July 1614), one of the witnesses on Oxford's behalf, see the *ODNB* article, and his will, dated 30 July 1614 and proved 6 February 1615, TNA PROB 11/125/121.

Robertus Crowe iuratus 27 Novembris 1599 Matthew Carew
Samuel Cockerell iuratus 28 Novembris 1599 Matthew Carew

Iacob{us} Pennock iur{atus} 29 Nov{em}br{is} W. Sarna(?)
Robert{us} Partridge iur{atus}
Arthur{us} Monday iur{atus} 1 Febr{uarijs} 1599 [=1600] Matthew Carew
Walter{us} Cope iur{atus} 11 Febr{uarijs} [=1600] W. Sarna(?)

Interrogatories to be ministered unto witnesses produced on the part and behalf of the right honourable Edward, Earl of Oxenford, complainant, against Roger Harlakenden and Richard Harlakenden, defendants.

1 Inprimis, do you know the right honourable Edward, Earl of Oxenford, complainant, and Roger Harlakenden and Richard Harlakenden, his son, defendants?

2 Item, do you know the site of the late-dissolved monastery of Earls Colne, the manor of Colne Priory, and parsonage of Colne Priory now in variance, or any of them?

3 Item, do you know or have heard of any bargain made betwixt the said Earl and the said defendant Roger Harlakenden for the conveying of the said site, manor and parsonage by the said Earl to the said Roger Harlakenden and his heir or to Richard Harlakenden, his son, and his heirs? And what & in what sort was the same bargain, as you know or have credibly heard? And what have you heard the said Roger or Richard Harlakenden speak thereof?

4 Item, whether did not the said Roger upon the said bargain or at any other time promise to the said Earl that if the said Earl would convey to him the said site, manor and parsonage that he, the said Roger, would upon repayment of such money as he, the said Roger, should disburse for the same, with some reasonable consideration for the forbearance thereof, reassure or cause to be reassured to the said Earl and his heirs the said site, manor and parsonage as you know or have credibly heard? And how know you the same, and of whom have you heard the same?

5 Item, what have you heard the said Roger or Richard Harlakenden say, answer, or confess to the late Lord Treasurer or any other concerning the promise of reassuring of the said site, manor and parsonage to the said Earl? And what have you heard any other person speak or say concerning the said Roger Harlakenden's promise of reassuring the same? And what do you know, think, or have heard concerning the same? Declare your knowledge and what you have heard and how you know the same, and by what means and of whom you have heard the same, and how often you have heard it.

6 Item, whether hath not the said Roger Harlakenden corrupted or offered to corrupt some person or persons with gifts or bribes of purpose that they should conceal his deceitful practices concerning his bargain for the said site, manor and parsonage and not publish, speak of, or testify the said promise of reassurance, as you know or are persuaded in your conscience or have of credit heard? How know you the same, & wherefore are you so persuaded? And of whom have you heard it? And who be the persons that he so corrupted or offered to corrupt?

7 Item, whether hath not the said Roger Harlakenden used threats to some persons of purpose to terrify them from testifying their knowledge concerning the said promise for reassurance of the said site, manor and parsonage to the said Earl? Whom hath he so threatened, and what be their names, and how know you the same?

8 Item, whether have you not heard the said Roger or Richard Harlakenden at any time complain of the great charge or rewards that the said Roger Harlakenden had been at or given to some of the then followers of the said Earl of Oxenford that were continually craving rewards at his hands for or concerning the said bargain and promise concerning the said site, manor and parsonage or their service & secrecy therein? Who were the persons that moved the same? To whom did he give any such rewards, as you know or have credibly heard?

9 Item, whether do you know or think that there was any agreement or promise made by the said Roger Harlakenden that the said Earl should have again his said lands, paying unto the said Roger Harlakenden his money disbursed for the same with consideration for the forbearing thereof? If yea, how do you know the same, and what be the reasons that move you so to think or believe?

10 Item, what other matter or thing can you depose or say available on the part and behalf of the said Earl for the proof of the said promise of reassurance? Speak the whole truth of your knowledge, and what you have heard, think, or are persuaded in your conscience.

Exam{inatus} p{er} me Ioh{ann}em Tyndal [=Examined by me, John Tyndall]

Examined Robert Partridge upon 1, 2, & 6 interrogatories

28 Novembr{is} 42 Eliz{abete} R{egi}ne

Ex p{ar}te p{re}honorabilis Edwardi Comitis Oxon{ie} Q{uerentis} con{tra} Rogeru{m} Herlackenden et al{ios} defend{entes} Testes exam{inatos} p{er} Othonem Nicholson in Canc{ellaria} Examinatore{m} [=On the part of the right honourable Edward, Earl of Oxford, querent, against Roger Harlakenden and others, defendants, witnesses examined by Otho Nicholson, examiner in Chancery]

Robert Crowe of Earls Colne in the county of Essex, yeoman, of th' age of 40 years or thereabouts, sworn etc.

1 Interrogatory. That he knoweth the parties in the suit, plaintiff and defendants.

2 That he doth know the site of the late dissolved monastery of Earls Colne, the manor of Colne Priory, and the parsonage of Colne Priory mentioned in th' article.

3 That he hath heard as well by the report of Roger and Richard Harlakenden, his son, named for defendants, as of divers others that the said Roger bought of the said Earl the site of the said monastery of Earls Colne and other the premises, but how and in what sort he bought the same he doth not certainly know.

4 That he hath heard the said Roger say sithence the said purchase that the said Earl, if he would pay him, the said Roger, all his money that he had paid for the premises with reasonable allowance for his forbearing of the said money, should have all his lands again, saying further that he might well make such promise for that (quod he): I am sure my Lord will never pay the money again, or words to that effect. And more to that article he cannot materially depose.

5 As to the next precedent article he hath formerly deposed, or to that effect, and further to this interrogatory he cannot depose, saving that he saith that the late Lord Treasurer of England in this deponent's hearing and before the purchase of the said premises, as he taketh it, did charge the said Roger in the Court of Wards at Westminster that he had bought Robin Hood's pennyworths of the Earl of Oxford, whereupon the said Roger then answered the said Lord Treasurer that he was one of the last purchasers and therefore thought his bargain the dearer, and that he had no such pennyworths but that upon repayment of his money the said Earl should have the same again, or to that effect.

6 That he hath heard the said Richard say that his said father had given money to one Felton for a bribe, but said not to what end it was so given, but this deponent saith that he is persuaded in his conscience that it was given to some such end and purpose as in the article is expressed, and more to that article he cannot materially depose.

7 He can say nothing.

8 That he hath heard the said Roger oftentimes wish himself rid of the said Felton and one Hampton for that (as he said) they thought they had never money enough from him, the said Roger, and further to that article he cannot depose either of his own knowledge or by credible report otherwise than he hath deposed to the 6 precedent interrogatory.

9 As to the 4 & 5 precedent articles he hath formerly deposed, or to that effect, and further to that article he cannot materially depose.

10 That he can say no more materially to that article than he hath in his answer to the former articles deposed, or to the like effect, & more etc.

Robert Crowe

xxviiio Novembris Anno Eliz{abethe} 42o [=28 November 1599] p{ro} Oxon{ie}
Comite

Samuel Cockerell of Much Fordham in the county of Essex, gentleman, of the age of 38 years or thereabouts, sworn etc.

1 Interrogatory. That to his knowledge he never saw the right honourable Edward, Earl of Oxford, the complainant, but knoweth Roger Harlakenden & Richard Harlakenden, his son, named for the defendants, and either of them, very well.

2 That he knoweth the place & house wherein the said Roger Harlakenden dwelleth which he taketh to be the manor of Colne Priory mentioned in this interrogatory which he hath known by being there oftentimes, but otherwise touching the site of the dissolved monastery or the parsonage of Colne Priory articulate he saith he cannot depose except that be the parsonage wherein one Mr Adams dwelleth that is parson or curate of the parish of Colne.

3 That of his own certain knowledge he can depose nothing to that article but hath heard that the said honourable Earl did bargain & sell unto the said defendants the site & manor of the said priory, and more he saith not to that interrogatory.

4 That of his own knowledge he can say nothing to the promise spoken of in this interrogatory, but saith that he hath heard some speeches amongst some that hath been towards his Honour that the said Roger Harlakenden should promise to the said Earl upon the aforesaid bargain that if the said Earl would convey unto him the said priory of Colne then he, the said Roger Harlakenden, would reassure the same unto the said Earl in as ample manner as the said Roger had it from the said Earl upon the repayment of such money as the said Roger Harlakenden should or did disburse for the same, or speeches to that effect.

5 That he never heard any speeches between the late Lord Treasurer & the defendants or either of them touching the reassuring of the said priory, nor further can depose touching the promise of the defendants or either of them than as before he hath deposed to the next precedent interrogatory to his now remembrance.

6 That touching any corruption used by any means whatsoever either by bribe or otherwise for the concealing of any deceitful practices of the defendants or either of them in the said bargain, he saith he can say nothing either of his own knowledge or of certain report except this which followeth may anything touch that matter, viz., that one Partridge, meeting with this deponent at Colchester in Essex sithence the report of the said bargain, this deponent was there told by the said Partridge that he, having then before had some speeches with one of Mr Harlakenden's men, did tell him that one Hampton had disclosed some matters that might beneficial to the said Earl about the said bargain, whereat the said Mr Harlakenden's man, seeming as it were to wonder, said unto Partridge these or the like words, in effect: Good Lord, whom should a man trust? These hands paid Hampton a hundred pounds!

7 That he cannot depose.

8 That he did never to his remembrance hear the said defendants or either of them complain in such sort as in this interrogatory is mentioned, and therefore cannot depose any further to that article.

9 That of his own knowledge he can say nothing, but by reason of the report of the said Roger Harlakenden's promise of reassurance of the said priory, or so much as he had of the said Earl by the aforesaid bargain, he is induced to think that there was such a promise made by the said Roger Harlakenden as in this article is expressed.

10 That he can depose no other matter or thing beneficial for the complainant than as aforesaid either of his own knowledge or credible report, saving that he hath heard the said Mr Adams that dwelleth in the parsonage house of Colne, as this deponent taketh it, report & say that one Crowe, now or late one of Mr Harlakenden's men, had told him that he, the said Crowe, could say somewhat that as he thought would set his master beside the priory & Earls Colne too, or words to that effect, as this deponent now remembereth. And more, etc.

P{er} me Samuelem Cockerell

[date cropped at top of photocopy?]

James Pennock of Earls Colne in the county of Essex, tailor, of the age of 33 years or thereabouts, sworn etc.

1 Interrogatory. That he thinketh he knoweth the right honourable Edward, Earl of Oxford, named for the complainant, for he hath seen him twice, though it be a good while ago, and saith that he well knoweth Roger Harlakenden & his son named for the now defendants, for he hath been heretofore servant to both of them.

2 That he knoweth the manor of Colne Priory and the lands thereto belonging & the parsonage of Colne Priory now in variance, which by report of one Robert Crowe one of the now defendants bought of the complainant and promised that the plaintiff should have the same again upon repayment of the money which the said Roger Harlakenden did pay for it.

3 That to his remembrance he can depose nothing of the report of any credible persons otherwise than as aforesaid of Crowe's report as to say in what sort the said bargain was made, neither hath he heard the defendants or either of them speak thereof to his now remembrance, and saith that of his own certain knowledge he can say nothing therein because he was not present at the bargain making.

4 That to his remembrance he did never hear, otherwise than as aforesaid, that the said Roger Harlakenden did upon the said bargain with the said Earl for the said manor &

parsonage or at any time sithence promise that the said Earl should have the same bargain again upon the repayment of the money the said Roger Harlakenden paid for it & some small consideration for the forbearance thereof.

5 That he never heard the said defendants or either of them confess either before the late Lord Treasurer or any other person or persons anything touching their assuring of the said manor & parsonage unto the said Earl as is supposed in this interrogatory.

6, 7 That he cannot depose anything of his certain knowledge to these articles, nor yet of any credible report.

8 That he never heard that the said defendants or either of them did make any such complaint unto the followers of the said Earl as is supposed, neither doth he know or hath heard certainly that any that were towards his Honour had ever any reward or rewards given him or them for any such purpose as is supposed in this interrogatory except any have been given to one Mr Felton that was sometimes towards the said Earl whom this deponent hath seen to receive certain money of Roger Harlakenden, but how much it was or wherefore it was given this deponent knoweth not, nor to his remembrance hath heard.

9 That he never knew of any such promise or agreement as this article mentioneth, neither can he tell what to think thereof.

10 That he cannot otherwise depose than as aforesaid touching the said lands or the promise of reassurance spoken of in the former interrogatory which may make for the said Earl. Nor more, etc.

[mark of James Pennock?]

29 Novembris Anno Eliz{abethe} 42

p{ro} Oxon{ie} Comite

Robert Partridge of Earls Colne in the county of Essex, gentleman, of the age of 42 years or thereabouts, sworn etc.

1 Interrogatory. That he knoweth not the right honourable Edward, Earl of Oxford, named for the complainant, for to his remembrance he never saw him, but well knoweth both the defendants named in this interrogatory.

2 That he knoweth the manor of Colne Priory & the parsonage of Colne Priory now in variance whereof mention is made in this interrogatory.

3 That he hath heard it commonly reported that Roger Harlakenden, one of the now defendants, did buy of the said Earl the said manor of Colne Priory and parsonage of Colne Priory, but of his own knowledge he saith he can say nothing either of the said bargain or touching in what sort the same was made, neither can he depose anything

thereof as of the report of the defendants or either of them, but saith that he hath heard one Robert Crowe, who sometimes served the said Roger Harlakenden, say that while he served the said Roger there happened to be some speeches between Roger Harlakenden & the late Lord Treasurer about the said manor & parsonage, and that the said Lord Treasurer should tell Roger Harlakenden that he had had a good bargain of the said Earl therein, and that thereto the said Roger Harlakenden should answer that he had not so good a bargain of it but that the said Earl should have his said lands again upon repayment of the money which Roger Harlakenden had paid the said Earl for it, which speeches or the like in effect (as the said Crowe said) passed between the said Lord Treasurer & Roger Harlakenden in the Court of Wards at Westminster.

4, 5 That more than he hath before deposed to the precedent article he cannot depose to those interrogatories or either of them to his now remembrance.

6 That he cannot depose anything, either of his own certain knowledge or of credible report, touching any bribes being given by the defendants or either of them to conceal their knowledge touching any promise of reassuring of the said manor & parsonage of Colne Priory as is supposed in this interrogatory, but saith that he hath heard one James Pennock say that while he was the said Roger Harlakenden's man his master gave a piece of money to one Mr Felton that was towards the said Earl (but how much this deponent now remembereth not) as a bribe to conceal his knowledge of the value of the said manor & parsonage to th' end that the said Roger Harlakenden might the better compass his bargain, or words to that effect, and saith further that he hath heard the said Robert Crowe report & say that he heard Richard Harlakenden, one of the defendants, say that both the said Felton & one Hampton, sometimes another of the said Earl's servants, had received divers sums of money for bribes, & would not be satisfied, but answered still that if they might not have more money they would reveal their knowledge, which knowledge, whether it concerned the value of the said lands or the said promise of reassurance or both this deponent neither knoweth nor could certainly understand.

7 That he cannot depose touching the supposed terrifying threats mentioned in this interrogatory.

8 That he never heard the defendants or either of them make any such complaint as in this article is mentioned, but saith that it seemed by the foresaid speeches of Crowe unto this deponent that the said Richard Harlakenden was offended that the said Felton & Hampton were never satisfied, but looked for more bribes still, and more to that article he saith he cannot depose.

9 That by reason of the aforesaid speeches of Robert Crowe touching the promise aforesaid of reassurance, this deponent is induced to think that it was agreed at the first between the said Earl or his agents that if after the sale of the said priory lands the said Earl were disposed to have them again, he should have them reassured to him & his heirs upon repayment of the money which Roger Harlakenden paid for them, with some reasonable consideration for forbearance of the money. And more he cannot depose to that interrogatory.

10 That he knoweth no other matter whereof to depose on the said Earl's behalf for proof of the said promise of reassurance supposed to be made by the said Robert Harlakenden. Nor more, etc.

Robert Partridge

[date cropped at top of photocopy?]

Arthur Munday of Halstead in the county of Essex [] of the age of 22 years or thereabouts, sworn.

1 Interrogatory. That he knoweth all the parties in suit named in the title of these interrogatories.

2 That he knoweth the site of the late dissolved monastery of Earls Colne in Essex, the manor of Colne Priory, and the parsonage there, & every of them.

3 That he hath credibly heard and believeth it to be true that the said Roger Harlakenden, some half-score years past or thereabouts having commission from the said honourable Earl for the sale of certain his Lordship's lands, did amongst other things which he sold by virtue of that commission make sale of the said site, manor, & parsonage unto Richard Harlakenden, his son, and to his heirs, the said complainant not then knowing that the writings were made unto the son of the said Roger, but as this deponent hath heard, was informed by the said Roger that Richard Harlakenden, in whose name the conveyance was made of the premises, was a kinsman of his of that name. And this deponent further saith that he hath credibly heard and believeth it to be true that the said Roger, at the time of the said sale of the said site, manor and parsonage, did promise unto the said Earl that the same should be reconveyed back again unto his Lordship upon repayment of such moneys as should be disbursed for the same, and further to that interrogatory he cannot depose.

4 As to the next precedent interrogatory he hath formerly deposed, and further saith that one Mr John Drawater, this deponent's late master, in the time that this deponent dwelt with him as his servant, did tell this deponent that the said Roger Harlakenden assured unto him that he had promised the said honourable Earl, when he made the conveyance of the said site, manor, & parsonage, that upon repayment of such moneys as was laid down for them his Lordship should have them [page torn = which promise of his the?] deponent thinketh to be very true for that the said Roger Harlakenden, by virtue of his said commission, did about the same time make sale of the manor of Inglesthorpe in Essex for the said Earl unto the said Drawater upon the like condition. And further to that interrogatory he cannot depose.

To all the rest of the interrogatories to him ministered he cannot depose anything materially. Nor more, etc.

Arthur Munday

xj ffebr{uarijs} xlij Eliz{abethe} R{egi}ne p{ro} Oxon{ie} comit{e} con{tra}
Herlackenden

Walter Cope of Kensington in the county of Middlesex, esquire, of the age of 44 years or thereabouts, sworn etc.

1 Interrogatory. That he knoweth the right honourable Edward, Earl of Oxenford, complainant, and Roger Harlakenden, but not Richard Harlakenden named for one of the defendants in the title of these interrogatories.

2 That he knoweth not the site of the late dissolved monastery of Earls Colne nor the manor of Colne Priory nor the parsonage of Colne Priory whereof mention is made in this interrogatory.

3 That he hath heard that Roger Harlakenden did buy of the said Earl the said premises but of whom he so heard the same he doth not now remember, being a thing reported unto him long since, and more to that article he cannot materially depose.

4 That he, this deponent, hearing that the said Roger had bought the said premises, told the said Roger that he had a very great pennyworth of his said bargain, who then answered this deponent saying that his bargain was so given that he often wished to have his money in his purse again, but of any covenants, promises or agreements made between the said Earl and him touching the same this deponent doth nor remember that he ever made any particular report thereof unto him.

5, 6, 7, 8, 9, 10 That to these interrogatories nor to any of them to his knowledge and remembrance he can say no more than he hath deposed to the former articles, or to that effect. Nor more, etc.

Walter Cope