

Summary: The document below is the recovery in the Court of Queen's Bench dated 19 May 1585 by which legal title to Oxford's manor of Earls Colne was transferred to Roger Harlakenden (b. about 1539, d. 1 January 1603). 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.

The transcript below was made from the copy on the Earls Colne Project Database website at <http://linux02.lib.cam.ac.uk/earlscolne//freehold/51100005.htm>. The ECPD copy does not appear to be entirely accurate. However it provides the details of the recovery, and serves as a useful resource. The author of this website hopes to obtain a copy of the original document in the near future.

Elizabeth by the grace of God etc., to all to whom these present letters may come greeting. Know that amongst the documents enrolled at Westminster before Edward Anderson, knight, and his fellow judges of the Queen's Bench in Easter term in the 27th year of the Queen's Majesty that now is, roll two continues thus:

Essex. Henry Josselyn, esquire, and Geoffrey Gates, esquire, in their proper persons petition against Roger Harlakenden, esquire, the manor of Earls Colne alias Colne Comitis with the appurtenances, and one hundred messuages, one hundred gardens, 300 acres of land, 100 acres of meadow, 200 acres of pasture, 200 acres of woodland, 100 acres of open fields and heath and 80s rent with the appurtenances in Earls Colne alias Colne Comitis, White Colne, Colne Wake, Colne Engaine, Halstead, Matteshall alias Markshall, Tey Magna, Tey Parva and Feering as their right and inheritance, and in which the same Roger has no right of entry after the disseisin which Hugh Hunt then unjustly and without judgment made to the aforesaid Henry and Geoffrey within thirty years etc.;

And the aforesaid Roger came in his proper person and called to warranty Edward, Earl of Oxford, who now is removed from the same county aforesaid, appeared by John Lutwich, his attorney, who came likewise and freely warrants the manor, tenements and rent aforesaid with the appurtenances etc.;

And upon this the aforesaid Henry and Geoffrey petition against the same Earl, tenant by warranty, the manor, tenements and rent aforesaid with the appurtenances in form aforesaid etc., and from which time that they were seised of the manor, tenements and rent aforesaid with the appurtenances in their demesne as of fee and by right in time of peace in time of the now Lady Queen, holding there fully to the value etc., and in which etc., and then the aforesaid seisin etc.;

And the aforesaid Earl, tenant by warranty, defended his right when etc., and lastly called there to warranty David Hoell, who is present in this court in his proper person and freely warrants the manor, tenements and rent aforesaid with the appurtenances etc.;

And upon this the aforesaid Henry and Geoffrey petition against the same David, tenant by warranty, the manor, tenements and rent aforesaid with the appurtenances in form aforesaid and from which time that they were seised of the manor, tenements and rent aforesaid with the appurtenances in their demesne as of fee and by right in time of peace in time of the now Lady Queen, taking then fully to the value etc., in which etc., and then the aforesaid seisin etc.;

And the aforesaid David, tenant by warranty, defended his right etc., when etc., and said that the aforesaid Hugh had not disseised the aforesaid Henry and Geoffrey of the manor, tenements and rent aforesaid with the appurtenances as Henry and Geoffrey by their letters and statement aforesaid above suppose, and of this he puts himself etc.;

And the aforesaid Henry and Geoffrey petition licence to imparl, and this etc.;

And afterwards Henry and Geoffrey returned to court there the same term in their proper persons, and the aforesaid David despite being solemnly charged did not return, so withdrew in contempt of court and default was made;

It is considered that the aforesaid Henry and Geoffrey recover their seisin against Roger of the manor, tenements and rent aforesaid with the appurtenances, and that the same Roger have of the land of the aforesaid Earl to the value etc., and that the same Earl lastly have of the aforesaid David to the value etc., and the same David is in mercy etc.;

And upon this the aforesaid Henry and Geoffrey petition letters of the Lady Queen making to the same full seisin of the manor, lands and rents aforesaid with the appurtenances, and the same is granted returnable five weeks from Easter day, at which time came the aforesaid Henry and Geoffrey in their proper persons and power viz., to Henry Appleton, esquire, only commission that he, by virtue of a letter aforesaid to him directed on the 12th day last [=12 May 1585] concerning full seisin made to the aforementioned Henry and Geoffrey of the manor, tenements and rent aforesaid with the appurtenances according as by the letter there to him make precept etc., which all and singular in the suit of the aforesaid Henry and Geoffrey draw up an exemplification in the tenor of the presents;

In witness whereof sealing the seal of law to the letters in the bench aforesaid for the deputy by these presents appointed witness. Edmund Anderson at Westminster. 19 May 1585.