

Rex v Thomas Horde (1533-1607) and Ralph Sheldon (1613-1537)

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Introduction

In 1606 a case was mounted by Sir Edward Coke, Attorney-General, against a Catholic group involved, he claimed, in concealment of lands and goods. The parties accused were Thomas Horde, Ralph Sheldon of Beoley and Weston (1537-1613) and thirteen recognizees – John Brooke of Madeley, Shropshire esq and Richard Brooke of Lapley, Co. Staff esq ; Robert Chamberlayne of Shirburn, Oxon esq and Philip Scudamore of Burnham Bucks esq ; Alan Hoorde gent ; Roger Gifforde and Philip Scudamore ; Francis Biddenolph of Biddenolph, Staffs esq and Humphrey Gifford of Brude, Staffs esq ; Robert Dormer of Wing and John Dormer of Turton, Bucks ; Thomas Astley of Patteshull, Staffs and Edward Brooke of London gent ; Walter Gifford of Ohyon Staffs esq and Edward Brooke of London, gent. Nearly all were Catholics or Catholic sympathizers.

The recognizances were already forfeit to Horde. Coke's argument was that recognizances should be regarded as goods and thus since Horde was already a convicted recusant and the bonds forfeit because Sheldon had defaulted on payment, the sums due should be paid by Sheldon to the Crown and not to Horde.

The documents below, bedevilled by a dual numeration system, are divided into three groups; the first give an account of the hearings – abbreviated where repetition takes over; the second are the documents tracing the sequel, the process by which Sheldon's debts would be collected; the final group presents the resolution, by composition.

The Inquisition post mortem carried out after Sheldon's death in 1613 shows conclusively that Sheldon retained his estates, and did not suffer any loss as stated by earlier writers. The estate remained intact, to be retained by Ralph's descendants.

Known in two copies, both documents are very difficult to read, more easily read in TNA WARD 7/51/91 than in TNA C 142/334/58.

Secondary Literature

W. H. Bryson (ed), *Cases concerning Equity and the Courts of Equity 1550-1660*, Selden Society, 117, 118, 2000-02, pp. 345-46, no. 131.

W H Bryson, *The Equity side of the Exchequer*, CUP 1975

Steve Sheppard, (ed), *The Selected Writings and Speeches of Sir Edward Coke*, 3 vols, 2003, Liberty Fund Indianapolis, Indiana

Apparently without knowledge of these documents :

Vincent Burke, 'The Economic consequences of recusancy in Elizabethan Worcestershire', *Recusant History*, 14, 1977-78, 71-77

John La Rocca, 'James I and his Catholic Subjects, 1606-12: some financial implications', *Recusant History*, 18 no 3, May 1987, 251-262.

Entry for Ralph Sheldon in Hasler, P., (ed), *House of Commons, 1558-1603*, 3 vols, HMSO, 1981

All references to images are to be found on AALT

Hearings : Preliminaries May 1606

E 124/3 Adhuc termino Paschae Anno 4 Jas Martis xiii die Maii 1606 (Decrees and Orders Mich 3 – Trin 5 Jas Series II) p.120 ([Image](#) on AALT)

E 126/1 Easter 4 James, Thursday 15 May [1606] fo 41(ink number) f.44 (stamp) ([Image\(1\)](#), [Image \(2\)](#))

E 124/2 Easter 4 Jas Monday 26 May 1606 Lune xxvj Maii f.109v ([Image](#))

E 124/2 Easter 4 Jas Thursday 29 May 1606 Iovis xxix die Maii f.108 ([Image](#))

Hearing and adjournment: 31 May 1606

E 126/1 Easter 4 Jas 31 May 1606 f 46 (ink), 49 (stamp)

Hearing : 2 June 1606

E 126/1 Easter 4 James Monday 2 June 1606 f.47(ink) f.50 (stamp)

Distrain of Sheldon's lands : 6 August 1606

Distrain of Sheldon's lands SO 3/3_August 1606 (book arranged in date order)

A letter to the Lord Treasurer of England to give order to the Justices of the Assize in the counties of Gloucester, Worcester, Warwick and Leicester and to the sheriff of the said counties for the extending of the lands of Ralph Sheldon esq for the payment of £21,000 [...] to his Majesty by the conviction of – Hoord a recusant the said Sheldon being indebted in great sums of money to the said Hoord at the time of his conviction. Procured by Sir Thomas Lake, dated the vijth of August

Appeal preliminaries : 1607

E 126/1 Michaelmas Term 4 James Thursday 6 November [1606] fo. 54v (ink), 57v stamp Hearing : 28 January 1608

Whereas Ralph Sheldon Edward Sheldon his son exhibited an English bill in this court against Thomas Hoorde and others defendants to be relieved in equitie touching certain annuities and rent charges granted out of the lands of the said plaintiffs to the use of Thomas Hoorde unto which bill Horde demurred It is this day ordered upon mocon of Mr Walter being of counsell with the said plaintiffs and for causes by him shewn that the said Hoorde should make better answer to the said bill by Tuesday next [11 Nov]. And that the said plaintiff may take process against the said Hoorde for that purpose

E 124/3 Easter 5 James (series II/3) 29 April [1607], fo. 273v

Upon Mocion this day made by the King's Attorney Generall on behalf of Ralph Sheldon and Edward Sheldon plaintiffs versus Sir Robert Dormer knight Sir Philip Scudamore knight Sir John Dormer and Walter Gifford defendants praying that the said plaintiffs might be allowed to have such their witnesses that they are to produce to be examined here in Courte in that cause being long synce at yssue so as [a] speedy hearing thereof may be had It is therefore this day ordered by the Court that the said plaintiffs may examine such witnesses in that cause as they shall produce before any of the Barons of this Court And then upon the examination of them a speedy hearing may be had in that cause after publication had. Attorney Generall

E 126/1 Mich 5 Jas Thursday 15 October 1607 f. 76 (ink), 82 (stamp)

Forasmuch as the cause depending in this Courte by English bill between Ralph Sheldon and Edward Sheldon esquires plaintiffs and Sir Robert Dormer, knight Sir Philip Scudamore knight and dyvers others defendants was mistaken in the bill of causes for this daye by reason whereof the cause could not be heard it is this daye ordered that the said cause shall be sett downe for the first cause to be heard at the last syttinge in the Exchequer Chamber in this presente Michaelmas terme. The plaintiff to give the defendants notice thereof by process of this Courte. Marginal Note Camera Sacc'

Hearing : 28 January 1608

E 126/1 Hilary 5 James Tuesday 28 January [1608] Stamped nos 95 –97; ink nos bottom of page Fo 88 – 90

Hearing : 2 May 1608

E 124/5 Easter 6 James, Monday May 2 [1608], f. 254-254v

Disposition of the recognizances

SP 14/60 f.65 = CSPD 1603-10, p. 360; 3 June 1607

Jo: Elvaston¹ at the appointment of the Quen, divers lands and tenements of Raphe Sheldon and Edward Sheldon extente for the debt of Thomas Horde

£ 3000 £ 3000 £ 3000 £ 3000 £ 2,200 £ 1,800 £ 600 Total of £16,600 As long as it shall remain in the king's hands

Horde's debtors

SP 14/40, f.479 Recusantes Thomas Hoord Given the Queene Henrie Mansfield John Elviston Patentee James Braybrooke

There was due to Thomas Hoord by Raph Sheldon of principall debt and Rente (beside interest) at the death of Hoord xxiiij mli More at Xli per cent for forbearance

¹ John Elphinstone, Gentlemen Usher to Queen Anne, one of many Scotsmen who accompanied James VI from Scotland.

thereof above the some of x mli More in nomine penas lost, for not paying the rentes vij mli

Summe totall of the debt/due to Hoord by Sheldon is xlj mli

More due to Hoord by the Lo ?Chandish m li Due by the Lord Chief Baron cxl li Due by Mr Corbett deceased Cxxxli Due by a widowe at Clerkenwell xxx li

Also Mr Wilford of Kent and Mr Carey is said, Had delivered by Hoord some rente charges and debts To be discovered by oathe about V m li

Also Hoord was possessed of a lease for 2000 years For which was offered to the executor if he could have Graunted it: above iiij m li

Also the Lord Saye did owe him vj C li

Besides all plate, hangings, carpets and other household Stuffe, not valued

Item Sir John Hubbert had of Hoordes to put foorth For rent charges to his use xv C li

Summ of the debts (besides Sheldons) xiiij m iiijC xx li ? Surely £12,400 ?

Totalis of Hoordes estate onely: lv m iiij C xxli

1. Possibly pencil date, 1606

Disposition of Sheldon's bonds

SP 14/40, f.13 (f.479v)

The proceedings that bee knowne

Hillary 1607 In Hillary terme 1607 there was a decree for the kinge against Sheldon onely for 21,000li which is therein sett forth to bee all paid to the king albeit the debt appeareth to bee xxiiij m li

The reconing(sic) delivered to the Queene

17 July 1607 First articles betwixt B and Sheldon is covenante that shall assure ye Queene to paye for the said xxi[iij li]

25 June a^o 5^o The indenture whereby Elvestone for 11000li mentioned to [= June 1607] be payd to the Queene upon the sealing and 1000 li more at daies the whole patent is convaied to Verney² and others

Also that statute of 15000li is only to pay the 10,000li to B and so is the defeysaunce upon it

Fowerthly landes convaied to B and Elvaston for better security of payment of 10,000 li to B before November 1614 and if default bee the inheritance is to remayne to B Elvistone And more than this by their writings nowe delivered to the Q doth not appeare

1. Queene for all the rest of Hoordes estate besides the 21000 li
2. If any other grauntes bee made by Elphyngstone: call for the counterparte
3. Consider the pressent gayne which Sheldon doth reape
4. Note that 1000 li of the 21000 li is not secured nor answered to the Q.
5. Lastlie what accompt the Queene hath by thother 2 recusantes

The right-hand edge to this document is ragged, hence totals in brackets

Sheldon's Recognizance to the Lord Chancellor

LC 4/196 f.200 26 June 5 Jas = 1607

On the twenty-sixth day of June in the fifth year [1607]of the reign of our lord James by the grace of God King of England, France, and Ireland, defender of the faith, and the fortieth year as king of Scotland, Ralph Sheldon of Beoley in the county of Worcester, armiger,³ and Edward Sheldon of Weston in the county of Warwick, armiger, son and heir apparent of the aforesaid Ralph, declare before Edward Coke, knight, that by recognizance they owe to Edward Lord Bruce, Master of the Rolls of our lord the King, fifteen thousand pounds to be paid at the feast of St. James the Apostle next [25th July 1607].

Resolution : 1610 and 1612

SP 15/39, no. 135, f.288

² Possibly Sir Richard Verney.

³ A man with the right to a coat of arms.

An illegible document, incorrectly calendared, is printed in *CSPD Addenda 1580-1625*, p. 527, now on subscription site Tudor-Stuart State Papers. Dated in a modern hand to 1610, it has been calendared as recommending acceptance of Sheldon's offer to compound for the sum of £21; however, Sheldon's debt to the Crown was at least £21,000. It also contradicts the evidence of the earliest summary reporting of the case (Bryson (ed), *Cases concerning Equity* no. 117, p.346) which states that Sheldon was required to pay his debt, agreed at £21,000, by instalments of £3000. Judging from other examples in the same volume, the handwriting is that of a clerk in the earl of Worcester's household.

The final terms of the resolution are CP 25_2_386 10 Jas1Mich Diverse Counties CP 25_2_386 10 Jas1Mich [1612]

Michaelmas term in the tenth year of the reign of King James and the 46th year of his reign in Scotland [1612], before Edward Coke, Thomas [?Wakingston],⁴ Peter Warburton, and Humphrey Smyth, Justices and faithful clerks of the Lord King, who were present there;

Between Edward, Earl of Worcester, John, Lord Petre, William Petre, knight, John Sulyard, knight, and Richard Daston, armiger, plaintiffs,⁵ and Ralph Sheldon, armiger, Edward Sheldon, armiger, and Elizabeth, his wife, deforciant,⁶ regarding the manors of Beoley, Over Ditchford, also known as Guyes Ditchford, Middle Ditchford also called Freemans Ditchford, with their appurtenances and the advowson of Beoley, namely forty messuages, six mills, one dovecote, forty gardens, two hundred acres of land, forty acres of meadow, sixteen hundred acres of pasture, two hundred acres of wood, one hundred acres of brush and heath, and rents of forty shillings, with appurtenances in Beoley, Over Ditchford, also known as Guyes Ditchford, Middle Ditchford, also called Freemans Ditchford, and Blockley in the County of Worcester, and of the manors of Weston, Barcheston, and Skilts with their appurtenances and the park of Skilts with appurtenances. Also of ten messuages, two mills, four dovecotes, ten gardens, fifty acres of land, one hundred acres of meadows, one thousand five hundred acres of pasture, three hundred acres of wood, and one hundred acres of heath and brush with appurtenances in Weston, Barcheston, Skilts, Studley, Brailes, Long Compton, Whichford and Willington in the county of Warwick. And of the manor of Over Westcote and Nether Westcote with appurtenances, and of twenty messuages, twenty gardens, three hundred acres of land, one hundred acres of meadows, forty acres of pasture and ten shillings of rent with appurtenances in Over Westcote, Nether Westcote in the county of Gloucester: that is to say:

BY this plea most conveniently between them in our same court, the aforesaid Ralph Sheldon, Edward Sheldon, and Elizabeth acknowledge the aforesaid manors, parts, and tenements with appurtenances [to the said earl], and to him and to those who together with the same Earl, John William, John, and Richard hold by the gift of the aforesaid Ralph Sheldon, Edward Sheldon, and Elizabeth, and their remissions and

⁴ Almost illegible.

⁵ Edward Somerset, grandfather of Elizabeth Petre of Ingatestone, future wife of Ralph Sheldon's grandson William.; Sir John Petre her grandfather; Sir Thomas Petre her father; Sir John Sulyard, husband of Ralph Sheldon's youngest daughter Philippa, married 1594; Richard Daston, eldest son of Ralph Sheldon's sister Anne's second marriage, one of his lawyers.

⁶ Edward Sheldon, Ralph's eldest son baptised 1561 and Elizabeth née Markham his wife.

quitclaims made by the said Ralph and Edward Sheldon and Elizabeth and their heirs to the aforementioned Earl, John, William, John and Richard, as heirs of the said Earl in perpetuity. AND the said Ralph and Edward Sheldon and Elizabeth grant for themselves and the heirs of the said Ralph and Edward Sheldon and Elizabeth and the heirs of the said Ralph in perpetuity.

AND for this recognizance remission quitclaim warrant or Concord the said Earl, John, William, John and Richard give the said Ralph and Edward Sheldon and Elizabeth two thousand and six hundred pounds sterling.

Verso endorsed:

According to the form of the statute the first proclamation was made on the fifth day of November in the term of St. Michael in the year of our Lord king [1612] in the year of the King's reign given below; the second proclamation was made on the fifth day of February, in the term of St. Hilary [1613], in the tenth year of the King [1613]; the third proclamation was made on the fifth day of May in Easter term, in the eleventh year of the King in the following year, [1613] and the fourth proclamation on the ninth day of June in Trinity term in the eleventh year...[1613]⁷

Ralph Sheldon's will (extract as it concerns Horde)

Ralph Sheldon's will, PROB 11/121/345, written 20 November 1612

And whereas by the wilfull and hard dealing of Mr Thomas Hoorde esquire deceased to whom by the mediation of his friends and mine I was to have paid part in lands and part in money the sum of four and twenty thousand pounds viz six hundred pounds land improved at twenty years purchase in lieu of twelve thousand pounds and in twelve years the other twelve thousand pounds by one thousand pounds yearly in consideration and for the discharge of all debts duties reckonings rents annuities or other demands whatsoever pretended by the said Mr Hoord to be due unto him by me And whereas by a forfeiture made by him the said Mr Hoorde to the king's majesty my lands and goods have been extended and I charged to pay unto the Queen's majesty upon whom the said forfeiture was bestowed the some of twenty and one thousand pounds being then also and standing [sic] nevertheless charged and answerable for and with one yearly rent charge or annuity of fifty-four pounds granted out of my lands unto one Allen Hoord brother unto the same Thomas Hoorde and to his heirs with a recognizance of twelve hundred pounds acknowledged by me to the said Allen for the performance and due payment thereof being included in the said agreement and to be discharged with all other rents annuities and recognizances in like manner acknowledged and made to the friends in trust of the said Mr Hoord and being with the account of the said twenty and four thousand pounds Nevertheless in satisfaction and discharge whereof I have paid unto the heir of the said Allayne Hoord the some of one thousand pounds I hope I may with safe conscience hold myself full discharged of all reckonings debts duties and demands which were to be demanded by

⁷ These terms were rehearsed in Ralph's Inquisition post mortem together with the amounts payable from each estate. Neither copy is in good condition, TNA Inq p.m. C142/334/58 and TNA WARD 7/51/91. Further details are in Essex Record Office, Petre Papers D/DP/E 165.

the said Mr Hoord or by any other person or persons to his use. And where by order and decree in the Exchequer Chamber the friends in trust for the said Mr Hoorde to whom the said rents or annuities were granted and made and to whom the said severall recognizances were acknowledged were ordered and enjoined to bring in the said deeds and grants of rents or annuities to the end they might be cancelled And further were ordered and enjoined to make and knowledge releases to the end they might be inrolled and thereby to acquit me my lands leases and goods for so much as concerneth the releases in form aforesaid is performed by them and I have good cause to hope that if there shall be any further assurance or act to be done by them for the discharge of me my lands and goods that they will willingly assent and agree thereunto the rather because divers of them were actors and privy to the end made between Mr Hoorde and me and thereby could not be ignorant how hardly and unreasonably I was charged all other circumstances and gratuities proceeding from me to the comfort and good of Mr Hoord duly considered.

Thomas Horde's will (extract as it concerns Sheldon)

Will of Thomas Horde, gent of London (c.1533-1607) Prob 11/111/401 Preamble

...considering the uncertaintie of this miserable and transitory life do make and ordaine this my last will and testament as well of my goodes and chattels as also of all my lands tenements and hereditaments in manner and forme following : first I bequeath my soul unto all mightie god my maker redeemer and saviour by the merits of whose blessed passion I only trust to be saved protesting before his divine majestie and the worlde that by his gracious assistance therein my desire and mynde is to live and dye in the catholic faith as a member of his catholicke church oute of the whiche there is no salvacion detesting from the bottom of my heart all schism and heresie And unto our blessed Lady St Mary the glorious blessed and ymmaculate Virgin Mother of almightie god incomparablie to be honoured above all other next unto our most glorious and blessed Saviour his most blessed son in whom next unto allmightie god is my most trust and hope being the mother of mercy and refuge for all penitent sinners in their need and extremity and therefore my fuller hope and trust is that at all tymes and especially in the hower of death she will be merciful unto me most wretched sinner and defend me from my deadly and horrible enemy the devil that he shall have no power over me for well I am assured whom she protecteth shall be safe And unto all the holy saints in heaven most humbly desiring that most glorious and blessed virgin and all the holy saints in heaven to pray to our blessed saviour to forgive me my sins and also the pains due for them and at the hour of my death to receive my soul into his blessed protection and then I nothing doubt what the devil my enemy can do unto me desiring also my good angel to be ready to defend me from that most horrible and mighty enemy And I bequeath my body.....etc and :

1. To the poor of Ewell, Surrey £5.0.0 2. to the heirs of one Partridge deceased sometime dwelling in Ewell £10 3. to my servants George Eaton and John Croke £30 apiece if they be servants at the tyme of my death 4. To my good friend Mrs Iveson all my apparel and £10 in money 5. To my sister Dorothy Horde some token of remembrance such as will please her at the executors' choice and £40 6. If I have wronged any man and it may be lawfully proved I will that my executors shall make

him amends from my goods and chattels 7. To my Cosen Allayn Hendrye and his heirs an annuity of £30 per year which I have of Sir Henry Lea knight, money hereafter to be redeemed. 8 To one Knight who married my brother's daughter £30 9. To Edward Horde £1000 and to his sister yet unmarried £100 10. To Thomas Horde youngest son of my late brother Aleyn Horde late deceased one cottage or tenement with lands in the parish of Chotton, Shropshire 11 The rest of my lands to my loving cosen Alleyn Hendry, to be executor and all the rest of my goods and chattels

Item whereas Sir Philip Skidmore kt standeth seised of two separate rent charges granted unto him by Raff Sheldon of £244 per annum and whereas also my cousin Walter Gifford of another rent charge granted of Raffe Sheldon for £279 per annum my will is that they shall pass their interest to such persons as the Right Honorable the Earl of Northampton Lord Warden of the Cinque Ports and Lord Lieutenant of Kent shall appoint for the mending of highways between Rye and London or wherever he thinks fit.

Another rent charge granted by Raffe Sheldon to Sir Robert Dormer and Sir John Dormer kts to be laid out to mend highways in Buckinghamshire, directed by Sir Robert Dormer and Sir Francis Stonor

And whereas Richard Brookes of Lapley stands seised of another rent charge from Ralph Sheldon of £127 per annum my mind is that he shall pass over his estate in Kent to Sir Francis Stonor for mending highways in Oxfordshire especially such 'foule waies' as do lie about Thetford [Ickford ?] and Whateley Bridge.

Thomas Ashley seised of £81 per year is to pass his interest to Sir John Hubberd or such as he shall nominate to be dispersed in form following: if the rent charge be redeemed by Ralph Sheldon then £100 is to be paid to my cosyn Edward Horde and one other £100 paid to his sister Anne and the rest to be divided amongst the children of my late brother Alleyn Horde

Humfrey Gyfford gent seised of £100 per year shall pass over his estate to Sir William Roper and Thomas Wilford esquire for good use as the latter see fit

Whereas I stand bound by recognizance of £800 to assure unto my wife £50 per year and to leave her 600 marks [£400] in money or a house and £200 by consideration of 400 marks [£266.13.0] to have been paid me within two years of my marriage, the which 400 marks was not fully performed and I did not fullie receive the sum of £200...seeing that they have not paid the 400 marks whereupon I would have performed the assurances promised I think I am in conscience and also in law not bound to perform the rest. Besides the world doth knowe well that although she being my wife by marriage yet hath she not showed herself like a wife in her usage toward me and especially in her going away from me without any just cause given by me and so hath continued away from me for almost twenty years nor hath desired to receive any benefit from me whereby she hath lost her dowrie in law.

Since her brother Mr John Chamberleyn unto whom with others I stood bound by a recognizance and the survivors of them did release unto me all manner of accounts suits and demands as whatsoever as is used in such cases whereby I am at also at libertie and discharged from performance of all things on my part. Nevertheless as she

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is my wife so she shall have £50 per year for life on my lands at Bampton if accepted quietly without further molesting or troubling any man.... All these things I sett down of Charitie than otherwise compelled.

Dorothy challenged the will of Thomas Horde ‘recently of the parish of St Andrew in Holborn, Middlesex, armiger, on behalf of their son Thomas, a minor.

His heirs regain his estate – C 66/1741, mm. 22-25, associated with SP 38/9 Docquet book (arranged in date order)

Search of Carey’s lodgings - SP 14/20, stamped fo 53(del) recte stamp f. 42, see above

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