

SUMMARY: On 11 November 1581 Oxford filed a bill of complaint in the Court of Chancery against Richard Wiseman. Oxford was acting as guardian of a 4-year-old named Henry Bullock, a private wardship which had come to Oxford automatically on the death of Henry Bullock senior, who had held lands and tenements in West Mersea called Dawes alias Bacons of Oxford by knight's service. The primary purpose of the suit was to put a stop to fraud on the part of the 4-year-old Henry Bullock's uncle, Richard Wiseman. On his deathbed Henry Bullock senior had transferred property to Wiseman in trust until his son came of age, but Wiseman was now treating the property as his own. Oxford's intervention was necessary because by the time the 4-year-old Henry Bullock attained the age of majority he might well be unable to produce evidence of his uncle's fraud.

PRO C2/Eliza/B22/18/1 (complaint)

11 die Novembris 1581

TO THE RIGHT HONOURABLE Sir Thomas Bromley, Knight, Lord Chancellor of England.

Complaineth and showeth unto your good Lordship, Edward, Earl of Oxford and Lord Great Chamberlain of England, for and on the behalf of Henry Bullock, an infant of the age of four years, as guardian unto him, that where Henry Bullock, late of Much Wigborough, in the county of Essex, yeoman, father of the said infant deceased, was in his lifetime amongst other lands seised of certain lands and tenements lying in West Mersea called Dawes alias Bacons holden of your orator by knight's service, and so being seised, and about two years past lying very sick upon his death's bed, and not above six days before the day of his death, did by the advice of one Richard Wiseman, his brother-in-law, and of divers other very crafty persons make a feoffment in fee to the said Richard Wiseman to the end to defeat and defraud your orator of the wardship of the said infant, his son and heir, expressing no other use upon the said feoffment apparently than to the use of the said Richard Wiseman and his heirs, but in secret trust to be to the use of the said infant, his son and heir, as shall be made very apparent to your Lordship by all matter of circumstance in reasonable and necessary construction and consideration. And where also the said Henry Bullock, the father, did likewise, lying upon his said death's bed, make his last will and testament in writing, making thereby the said Richard Wiseman his executor, and devised thereby unto the said Wiseman the issues and profits of certain of his lands with other his goods & chattels with condition that he should be bound by obligation in the sum of five hundred pounds to one John Baron, yeoman, yearly to account to him of the said issues and profits, and that they might be duly answered to the said infant & other his brethren and sisters at their full years according to the limitation of the said will, as by the same may more at large appear, so it is now, my good Lord, the said Richard Wiseman (intending contrary to all right and good conscience not only to defraud and defeat the said infant of the land so put in feoffment

unto him in trust, but also of such portion as should at his full age grow unto him by the appointment of his said father's last will and testament), utterly denieth both the said trust, claiming the said land to be absolutely to him and his heirs, and also having not put in the said bond of £500 to the said John Baron according unto the limitation of the said will, taketh notwithstanding the issues and profits of the lands so devised unto him thereby, and hath also gotten into his hands and possession the goods and chattels of the testator, his father, forasmuch as the said Henry Bullock is not now above the age of four years at the most, and that these matters shall not be so well in memory and to be proved by him at his full age (to seek his own remedy and redress herein) as now, and that the trust upon the said feoffment can have no other direct proof but by the oath of the said Richard Wiseman and so without all remedy by the order of the common laws of this realm, which will tend to his disherison unless your good Lordship's help herein be forthwith extended towards the said Henry Bullock, it may therefore please your good Lordship, the premises considered, to grant to your orator the Queen's Majesty's most gracious writ of subpoena to be directed to the said Richard Wiseman commanding him thereby to appear before your good Lordship to be appointed then and there to answer in the premises, and further to stand to such order therein as to your good Lordship shall be thought meet and convenient to the safety of the said infant in the causes aforesaid. And the said Earl shall herein stand bound unto your good Lordship, and wish unto you great increase of honour.

PRO C2/Eliz/B22/18/2

The answer of Richard Wiseman, defendant, to the bill of complaint of the right honourable Edward Earl of Oxenford for and in the behalf of Henry Bullock, being within age.

THE SAID DEFENDANT by protestation not confessing the said lands and tenements called Dawes alias Bacons mentioned in the said bill of complaint or any part or parcel of the same or any other of the lands or tenements which were the said Henry Bullock's, deceased, to be to his knowledge holden by knight's service of the said Earl of Oxenford or of any other person or persons by that tenure, as in and by the said bill of complaint is supposed and declared, saith that the said bill of complaint is uncertain and insufficient in the law to be answered unto for that it is alleged therein that the said Henry Bullock the father was seized of the said lands and tenements called Dawes alias Bacons and doth not show of what estate he was seized, neither what estate he had in the same, for which apparent cause and incertainty the said defendant doth demur in law upon the said bill of complaint and demandeth judgement thereof. Nevertheless, if by the order of this honourable court he shall be compelled to make any further answer to the said insufficient bill, then the advantage of the incertainty and insufficiency always saved unto him, the said defendant for further answer and for a plain declaration of the truth doth say that true it is that the said Henry Bullock the father was in his lifetime amongst other lands seized of the said lands and tenements called Dawes alias Bacons (and as he thinketh of a good and lawful estate in fee simple) and so being thereof seized, being

mindful and determined to make sale thereof and to alienate and put away the same, did long before his death enter into talk and conversation with divers and sundry persons for the buying thereof, and at length made offer of the sale of the same to the said defendant his brother-in-law, who after divers treaties therein did in the end grow to a full and plain bargain for the same, videlicet, that the said defendant should have the said lands and tenements called Dawes and [sic?] Bacons mentioned in the said bill of complaint to him and to his heirs, and that he the said defendant should pay for the same the sum of eightscore pounds in money at such days and times as between them was then agreed of. In performing and accomplishing of which said bargain and agreement the said Henry Bullock the father did about the fifteenth day of January in the 21st year of the reign [=15 January 1579] of our sovereign Lady the Queen, her Majesty that now is make a deed of feoffment and caused an estate to be duly delivered of the said land called Dawes alias Bacons to the said defendant and his heirs in the presence of divers persons of good ability and credit, which said estate and feoffment so made and taken was in truth plainly and absolutely to the only use of the said defendant and his heirs and not to any other use, intent and purpose. Sithence the making of which said feoffment he the said defendant hath been seized thereof accordingly and hath from time to time ever sithence taken and received the issues and profits of the same to his own use, as well and lawful was for him to do, without that the said feoffment was made of any covinous intent to defeat or defraud the said complainant of the wardship of the said infant as in the said bill of complaint is surmised, or that there was upon the making of the said estate or feoffment any secret purpose, meaning, or intent that the same should be to the use of the said infant or to any other use than is plainly and simply expressed and declared in and by the said deed of feoffment which is ready to be showed forth to this honourable court. And forasmuch as by the truth of all the matter it is very manifest and apparent that the said complainant hath no just cause of good title as guardian in chivalry or otherwise to have the custody or wardship of the said Henry Bullock the infant, and for that his custody, education, and bringing up during his minority was specially meant and appointed by his father upon his death-bed unto the said defendant so that the said complainant hath neither by law or conscience any cause or authority to deal either with his body or with any other thing belonging or appertaining to him, the said infant, and forasmuch as the rest of the matters mentioned in the said bill do only concern certain accounts & reckonings to be made to the said infant at his coming to his full age which do by no means appertain or belong to the said complainant, the said defendant verily thinketh that he is not, touching those matters or touching that part of the said bill of complaint, to make any answer at all to the said complaint, and thereupon referreth himself to the order and judgement of this honourable court, and prayeth that he may be dismissed out of the same with his reasonable costs and charges herein sustained.

PRO C2/Eliz/B22/18/3 (replication)

The replication of Edward, Earl of Oxford, complainant, to the answer of Richard Wiseman, defendant.

THE SAID COMPLAINANT doth aver and maintain his said bill of complaint to be certain and sufficient in the law to be answered unto, and all the matters and things therein contained to be good, just, and true in such manner and form as they are and been in the said bill of complaint set forth and alleged, without that that the said deed of feoffment and the estate made thereupon, with all other the matter and circumstances touching the same as they are before set forth in the answer of the said defendant were made, done, or executed to any other end, effect, or purpose than to defeat, defraud, and avoid this complainant of the wardship of the said Henry Bullock, the son, and without that that the said sum of eightscore pounds was agreed upon between the said defendant and the said Henry Bullock, the father, to be paid to him, the said Henry Bullock, for and in consideration of the purchase of the said lands absolutely, truly, and bona fide, but fraudulently to cover and shadow the covin and deceit aforesaid purposed and practised against this complainant in this matter under pretence and show of this bargain, all which matters this complainant is ready to aver and prove as this honourable court shall award, and prayeth as he before in his said bill hath prayed.