

## **Petition to the House of Lords claiming the honour and manor of Castle Hedingham**

### **Summary**

On February 24 1668, Robert Earl of Lindsay, Lord Great Chamberlain of England, Thomas Earl of Berkshire and Elizabeth his wife, Henry Earl of Stanford and Anne his wife (Elizabeth and Anne being sisters and co-heirs of Diana, late Countess of Oxford, wife of Henry 18th Earl of Oxford, deceased) submitted a petition to the House of Lords claiming the honour and manor of Castle Hedingham against Brian Cokayne 2nd Viscount Cullen and Elizabeth (née Trentham) his wife, only daughter and heiress of Sir Francis Trentham Kt (d.1644) and ultimate sole heiress of Francis Trentham of Rochester (d. 1626) , brother-in-law of Edward de Vere by the latter's second marriage.

The Cullens replied to the petition on 30 March 1668 and on the same day the Lords Spiritual and Temporal in Parliament pronounced in favour of the Cullens.

A full transcription of the Petition, the Response and the Judgement follow in that order.

Taken as a whole, these documents form the clearest summary of how the ancient ancestral seat of the Earls of Oxford passed out of their hands and formed an integral part of the estate of the Trentham family after being repurchased by Elizabeth Countess of Oxford, Edward de Vere's widow, from the three daughters of Edward de Vere by his first marriage. They show that this ownership carried on right down the Trentham line to become the possession of the extremely wealthy heiress Elizabeth Trentham (who has hitherto been confused with her namesake) who married Brian Cokayne 2nd Viscount Cullen in 1653.

To my knowledge these documents have never been cited before and one hopes that these transcripts will be used to correct a number of published assertions that the manor of Castle Hedingham passed to Diana, widow of Henry 18th Earl of Oxford.

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**House of Lords: Journal Office: Main Papers 1509-1700, 108 - 138 - ref. HL/PO/JO/10/1/329.  
House of Lords Records of the Parliament Office, Lords Journals, XII. 192 and 211  
- ref. HL/PO/JO/10/1/329/136 - date: 24 Feb 1668.**

“THE RIGHT HONO<sup>BLE</sup> THE LORDS SPIRITUAL AND TEMPORALL in Parliament asembled.

The humble Petition of Robert Earle of Lyndsey, Lord great Chamberlyn of England, Thomas Earle of Barksheir & Elizabeth his wife, Henry Earle of Stanford and Anne his wife, which ELIZABETH and ANNE were sisters and Coheyres of Diana late Counteß of Oxford, deceased.

SHEWETH

That the Honoure and Mannour of Heddingham als Henningham in the County of Essex with the appurtenances having been for many yeares the cheif seate of ye Earles of Oxford untill that Edward Earle of Oxford about ye 28 yeare of Queen Elizabeth settled the same upon Elizabeth then or after Counteße of Derby, Susanna then or after Counteß of Montgomry and Bridget then or after Lady Norris, his daughters by a first wife, leaving at his death Henry Earle of Oxford his onely sonne, an infant by Elizabeth Trentham his second wife, which said Elizabeth upon a suggestion made to King James that she had repurchased the sd Honour & Mannour of Henningham for her said sonne Earle Henry & the heyres of his body, but concealing that she had limited the last remainder to her brother Francis Trentham and his heyres and not rightly setting forth her settlem't which in truth was but to Earle Henry for life, with remainders to his first & tenth sonns and the heyres Males of their bodies and not an Estate taile as was suggested, obteyned an Act of Parliament in ye 7th yeare of the sd King James to enable the sd Earle Henry then an infant with the consent of Robert Earle of Salisbury the sd Elizabeth Counteß of Oxford, Sir Edward Moore & ye sd Francis Trentham, to sell the

Mannor of Bretts & other ye lands and heriditaments in ye sd Act mencioned, whereof ye said Earle Henry was seized in Fee of a great yearly value in the said County of Essex which said Mannour of Bretts & other lands were sould accordingly and the mony rayed by the said sale did pay the greatest part of the purchase money for the said Mannour of Henningham the same being sould at halfe the value by the said Elizabeth, Susanna and Bridgett in regard of their naturall love and affection to their said brother Earle Henry & to preserve that ancient & honourable family then much wasted and declined in its Estate, which Remainder soe limited to Francis Trentham and his heyres, was nevertheles in trust for the said Earle Henry and his heires.

THAT afterwards Elizabeth Countess of Oxford died & the said Earle Henry did take to wife Diana one of the daughters of William late Earle of Exeter and settled the said Honour & Mannour of Hemingham in Joynture upon the sd Diana, upon which Marriage the said Francis Trentham according to the sd trust did Release to the said Earle Henry & his heires all his Interest & title to the Honour & Mannour of Henningham & after the said Earle Henry by his last will and testament in writeing dated the 20th May 1625 did devise the sd Honour & Mannour of Henningham unto the said Diana and her heyres the better to enable her to pay the debts of the sd Earle Henry & provide for his servants and shortly after died without issue, & the said Diana Countess of Oxford entred and was seizd of the said Honour & Mannour of Henningham & paid diverse greate debts of the said Earles and being thereof soe seizd dyed about fourteen yeares since without issue whereupon two parts of the said Honoure & Mannour did descend upon your Petitioners Thomas Earle of Berksheire & Henry Earle of Stanford in right of their wives who were sisters and next heyres to the said Countess Diana, and the other third part descended to Mountague Earle of Lynsey Father to your Pet[itione]r Robert Earle of Lynsey as heyre at Law to the said Henry Earle of Oxford by reason the said Mannour and Lands were held in capite and the Devises [unreadable] for a third part: And your Petitioners ought to enjoy the same according to their severall Rights & Titles thereunto

But now soe it is May it please your Lordships

That Brian Lord Viscount Cullen in the Kingdome of Ireland & Elizabeth his wife, Grandchild [sic: great-granddaughter] and heyre to the said Francis Trentham have entred upon the said Honour & Mannour of Henningham and withhold the same from your Petitioners under colour of a title by them sett on foote by virtue of the sd last Remainder to the said Francis Trentham pretending ye same was not in trust although ye sd Mannour was purchased by ye sale of ye sd Mannor of Bretts and other lands of the sd Earle Henry

And the sd Francis Trentham never paid one penny of the purchase money for ye said Honour & Mannour; but was altogether a stranger in blood to ye sd ho[nora]ble family of Oxford

And further alleaging yt ye sd Fr. Trentham had made a settlment thereof to his son before ye sd Release & yt ye sd Fr. Trentham was non compos mentis when he seald ye Release to the sd Earle Henry

And in further Barre to your Pet[itione]rs they alleadge a dismission signed and ingro'st in ye high Court of Chancery in a suite betweene Diana late Countess of Oxford, Rob't late Ld Willoughby and other Plaintiffs, ag[ains]t Tho[mas] Trentham Esq S[i]r Fra[ncis] Trentham Kn[igh]t and other def[endan]ts Which they say was because noe expresse proof was made of ye trust & yt ye sd Fr Trentham was not compos mentis at the time of the sealing of ye sd Release, Whereas in truth Trusts are comonly of that secret nature as not to admitt of expresse proofes, though ye circumstances are many & pregnant yt this is one, And whereas also ye proofs taken in ye same cause are cleere & full yt ye sd Fr Trentham was then compos mentis & of good understanding; Yet nevertheles while ye said dismission stands in force howbeit ye same was obteyn'd contrary to ye circumstances & positive proofs afores'd; yet your Pet[itione]rs are kept out of their just rights, & the true intent of ye sd Act of Parliament is utterly defeated & the said Honour & Mannour purchased by ye sale of Bretts & other lands of Earle Henry are posseßed wrongfully ag[ains]t your Pet[itione]rs without ye least

colour or consideracon And your Pet[itione]rs are left utterly remedyleß by any ordinary or Regular Course & can onely be releived by your Lordships in Parliament.

Wherefore your Pet[itione]rs most humbly appeale unto your Lordships in this Hono[ra]ble House & pray to be reheard at this Barr upon ye proceedings in Chancery & elsewhere by ye intent that they may be releiv'd in ye premisses according to your wonted justice, & yt ye sd dismissal & settlem[en]t may be set aside and ye designe of ye Act of Parliament be answered, to which end your Pet[itione]rs further pray that ye sd Viscount and ye sd Eliz; his wife may be sumond to appeare before your Lo[rds]hips: to answer ye Premisses & abide such judgm't as your Lo[rds]hips shal make thereon agreeable to justice.

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House of Lords Records of the Parliament Office , Lords Journals, XII. 192 and 211  
- ref. HL/PO/JO/10/1/329/136a - date: 30 March 1668.**

To the right Honourable Lords spirituall & Temporall assembled in Parliament

The answer of Brian Lord Viscount Cullen in his realms of Ireland and of Elizabeth Viscountess Cullen his wife to a petition of the right hon'ble Robert Earle of Lindsey Lord Great Chamberlaine of England, Thomas Earle of Berkshire, and Elizabeth his wife, Henry Earle of Stamford, and Anne his wife, sisters, and coheires of Diana late Countess of Oxford.

In obedience to your Lordshipps order of the Twenty fowerth of ffebruary last, these Respondents humbly offer, That the mannor of Hedingham als Henningham in the Countie of Essex with the appertenances had bin for many yeares, the inheritance, and seat of the noble ffamily of the Earles of Oxford, and that Elizabeth late Countess Dowager of Oxford, the relict of Edward late Earle of Oxford, and sister of ffrancis Trentham of Rocester in the County of Stafford Esq repurchased the same in her owne, or her Trustees names, and by ffine & Recovery settled the same on her selfe for her life, and to Henrie late Earle of Oxford, being the onely son of the said Earle Edward and begott of the body of the said Countess Elizabeth, for the life of the said Henry Earle of Oxford with power to make a joynture to any wife with remainder over to the sons of the said Earle, successively and the heires males of their respective bodyes, and for default of such issue, to the heires of their bodyes, and for default of such issue, to the daughters of the said Earle Henry, and the heires of their respective bodyes, the remainder to the said Countess Elizabeth intayle, the remainder to the said ffrancis Trentham in fee,

And the ground of this settlement by the said Countess Elizabeth in that mannor was not onely for that the said ffrancis Trentham was her brother and heire in case the said Earl Henry her sonne dyed without issue, but because the said ffrancis Trentham had taken very great care and paines in managing the estate, and affairs of the said Countess Elizabeth, and became bound for her in very great sumes of money which the said Countess was forced to take up, for the purchasing of the said mannor and premisses.

And these Respondents further shew unto your Lordshipps that it is very true, that about 7 Jacobi the said Countess Elizabeth did procure an Act of Parliament for the sale of part of the said Earle Henryes lands not exceeding the value of £200 and in part thereof to the value of £200 shee had then an estate for 80 yeares, and in part of the residue for the terme of her life, and the mannor and premisses which shee purchased & settled on the said Earle Henry and his issue as aforesaid was then worth above £700 and all the rest of the money shee paid for the purchase of the said mannor and premisses shee raised out of her owne estate, and for raising thereof sold £400 of her owne inheritance as by the said Act appeareth,

And it is true that in the said Act, it is suggested that the said Countess had settled the said mannor and premisses on the said Earle, and the heires of his body, which in truth shee had, and with more

certainty and assurance, then though shee had limited the same by way of generall Intayle, But it is true, in the said Act of Parliament there was noe mencion how the remainder was settled, nor was there any occasion why it should bee soe mencioned, the settlement being soe made, as that all persons capable to inherit by a settlement intayle generall, now capable of the estate aswell as if the land had bin entayled and with more assurance to them

And the respondents believe that the said Countess Elizabeth paid £13000 att least for the said mannor and premisses which they believe was a full consideracion for the same, and that the same after the decease of the said Earle Henry, and Countess Elizabeth without issue, and of the said ffrancis Trentham, and his sons without issue male of their respective bodyes did discend and come to this Respondent Elizabeth Visountess Cullen being great Grandchild, and heire of the said ffrancis Trentham

And believe it was true that such a Joynture was settled on the said Diana Countess of Oxford as by the petition of the said Earles of Lindsey Barkshire and Stamford is sett forth

And further believe it is true that the said Earle Henry did make such a will as by the petition of the said Earles is suggested, but that it did not att all invalid or prejudice these Respondents tyle for that the said ffrancis Trentham was not seised of the revercion or remainder of the said mannor and premisses in fee in trust for the said Earle Henry and his heires but to his owne use without any trust save that the same was charged by the said Countess Elizabeth with £1000 to bee paid to Johannus Stanhope Nephew to the said Countess Elizabeth, and the said ffrancis Trentham upon the marriage of his eldest sonn, Grandfather to this Respondant Elizabeth Viscountess Cullen settled the same as his owne estate, charged with the said £1000 the said ffrancis being then of good understanding and a person of very knowne integrity, and long before the time of the release mencioned in the said Earles petition

And these Respondents likewise show, that the said Countess Diana, and Robert Lord Willoughby and others in the yeare 1625 exhibited a bill in Chancery against the heires of the said ffrancis Trentham and their tyle, both alleging a trust, in the said ffrancis Trentham and the release of the said ffrancis; But upon full proofs there appearing noe trust, and that att the time of the sealing of the said release, the said ffrancis Trentham was not Compos mentis, the said bill was dismissed by the Lord Coventry then Lord Keeper of the Great Seale, assisted by the then Lord cheife Justice of the Kings bench, and Mr Justice Hutton all persons of eminent prudence learning and integrity

And that your Lordships may bee informed how little the said Petitioners the Earles of Lindsay Barkshire and Stamford are concluded from trying their tyle att lawe, These Responents humbly shew that upon the decease of the said Countess Diana, about fowerteene yeares since the Earle of Lindseys ffather and the Earle of Barkshire and Stamford entred upon the said mannor of Henningham and premisses

And att a tryall att Lawe att the Kings bench barr the jurors consisting of Knights and Esquires of great worth these Respondants evicted the Earle of Lindseys ffather, and the said Earles of Barkshire and Stamford, the very point of Compos or non compos mentis being of the said ffrancis Trentham then being the greatest matter in tryall and by the verdict of the said Jury the said ffrancis Trentham found non compos mentis at the sealing of the said release, pretended and sett forth by the Petitioners.

And shortly after the said tryall the said Earle of Lindseys ffather declined to proceed, And these Respondants have since the said tryall quietly enjoyed the said mannor and lands and promisses and made settlements and conveyed a ffine thereof with proclamacion according to the forme of the statute, in that case provided and noe entry of ffive yeares after, to wit these Respondents Brian and Elizabeth his wife in Micha[elma]s terme in the thirteenth yeare of his Magesties raigne att Westminster before the Justices of the Comon Pleas leyed a ffine to William Sneyd and Thomas Cokaine [ ], with proclamacion thereon.

In tender consideration whereof, and forasmuch as there is nothing in the case, but trust or no trust, compos or non compos mentis, issues, property tryalls with ordinary Courts of Lawe and Equity and for that for 59 yeares together the possession hath continually gone along with the same settlement by fines and Recovery whereby the fee was settled upon the said Francis Trentham and for that there is not the least colour or shadow of any corruption injustice fraud or oppression in the said dismissal in Chancery (or tryall at Lawe) the Plaintiffs being persons of great honor and eminent quality and far exceeding the Defendants in relation and fortune

And for that if upon a suggestion of a trust after soe many yeares and fines with proclamacions levied and Recoveries suffered these Respondants should bee disturbed, noe persons living could bee secure in their possessions, thus settled according to the knowne and approved Lawes of England.

Therefore upon the whole matter these Respondeants humbly pray they may bee dismissed from any further attendance on your Lordships and that the Respondants may bee left to their remedy in the ordinary Courts of Law & Equity.

[signed]

Cullen  
Elizabeth Cullen

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House of Lords Records of the Parliament Office, Lords Journals, XII. page 211.

**E. of Lyndsey, Berks, and Stamford, versus L. Cullen.**

Upon reading this Day in the House the Answer of Brian Lord Viscount Cullen in the Realm of Ireland, and of Elizabeth Viscountess Cullen his Wife, to a Petition of the Right Honourable Robert Earl of Lyndsey Lord Great Chamberlain of England, Thomas Earl of Berks and Elizabeth his Wife, Henry Earl of Stanford and Anne his Wife, Sisters and Coheirs of Diana late Countess of Oxford, claiming a Title to the Honour and Manor of Hedingham, alias Henningham, in the County of Essex, with the Appurtenances, now in the Possession of the said Lord Viscount Cullen, in the Right of his Wife; by which Answer it appearing to this House,

"That, notwithstanding several Proceedings at Law and Equity in the Courts in Westminster Hall, concerning the Title pretended to the said Manor of Hedingham, alias Henningham, by the said Petitioners, the Earl of Berks, and the Earl of Stanford, and the Father of the now Earl of Lyndsey late Lord Great Chamberlain of England, and others, the Possession of the said Manor hath continued for near Threescore Years with the Title of the Heirs of Francis Trentham, of Rochester, in the County of Stafford, Esquire, Brother to Elizabeth late Countess Dowager of Oxford, according to a Settlement made by her, under which Settlement the said Lord Viscount Cullen and Elizabeth Viscountess Cullen his Wife now hold and enjoy the same; and have made several Settlements, and levied a Fine thereof, with Proclamation thereupon, according to the Form of the Statute in that Case made and provided; and no Entry of Five Years after."

Upon Consideration had thereof, it is ORDERED, by the Lords Spiritual and Temporal in Parliament assembled, That the said Petition of Robert Earl of Lyndsey Lord Great Chamberlain of England, Thomas Earl of Berks and Elizabeth his Wife, Henry Earl of Stanford and Anne his Wife, concerning their Claim to the said Manor of Hedingham, alias Henningham, be, and is hereby, dismissed this House.