

SUMMARY: The document below is the private Act of the Parliament of King Edward VI entitled ‘An Act for the Earl of Oxford touching the avoidance of certain assurances made to the Duke of Somerset’ which restored the 16<sup>th</sup> Earl’s lands to him, a situation necessitated by Somerset’s flagrant extortion against the 16<sup>th</sup> Earl described in the Act itself. The Act was passed after Somerset’s attainder and execution since it refers to ‘the late attainder & death of the said late Duke’. Somerset was convicted of felony and attainted on 1 December 1551, and beheaded on Tower Hill at 8:00 a.m. on 22 January 1552. A year later, King Edward VI granted letters patent on 22 January 1553 (see TNA C 66/848) which supplemented the Act below by restoring to the 16<sup>th</sup> Earl bonds, jewels and other chattels which had escheated to the Crown as a result of Somerset’s extortion. The letters patent of 22 January 1553 contain language which indicates that the Act below was passed in the session of Parliament which ended on 23 January 1552. The evidence thus indicates that the Act below was passed by Parliament on either 22 or 23 January 1552. Two other copies of the Act are extant, both made in response to writs of certiorari, TNA C 89/4/18, dated 17 May 1552, and TNA C 89/4/12, dated 12 February 1566.

By this private Act of Parliament of 22 or 23 January 1552, the indenture of 1 February 1548 and the recognizance of 26 February 1548 for £6000 (see TNA C 66/848) extorted from the 16<sup>th</sup> Earl by Somerset were both declared void, and a private Act of Parliament passed in April 1540 (32 Henry VIII, c. 78) by which Somerset had entailed his lands on himself and his heirs was specifically declared not to apply to those of the 16<sup>th</sup> Earl’s lands comprised in either the indenture of 1 February 1548 or the fine of 10 February and 16 April 1548 which Somerset had extorted from the 16<sup>th</sup> Earl. For the fine of 10 February and 16 April 1548 by which title to the lands of the Oxford earldom passed from the 16<sup>th</sup> Earl to Somerset for the fictitious sum of 40,000 marks [=£26,666 13s 4d] of silver, see TNA E 328/403.

A fine or final concord is defined as:

*An amicable composition or agreement of a suit, either actual or fictitious, by leave of the court, by which the lands in question become, or are acknowledged to be, the right of one of the parties. . . . A fine is so called because it puts an end not only to the suit thus commenced, but also to all other suits and controversies concerning the same matter. . . . In the old process of levying a fine of lands, the concord was an agreement between the parties (real or feigned) in which the deforciant (or he who keeps the other out of possession) acknowledges that the lands in question are the right of complainant. Black’s Law Dictionary, pp. 362, 379.*

The circumstances by which the fine of 10 February and 16 April 1548 was extorted from the 16<sup>th</sup> Earl by Somerset are described in the Act as follows:

*And to the intent the said now Earl should manifestly forfeit the said recognizance of six thousand pounds unto the said Duke whereby the same Duke might have the body of the said Earl & all that he had in execution at his pleasure, he moved & procured the said*

*now Earl to levy a fine of all the said honours, castles & other the premises, except before excepted, unto the said Duke, Sir Michael Stanhope, Sir Thomas Darcy, & John Lucas & to the heirs of the said Duke . . . .*

Since a fine by definition involved the courts, the framers of the private Act of Parliament of 22 or 23 January 1552 may have considered that they could not declare the fine of 10 February and 16 April 1548 void without unsettling both the land tenure system and the legal system. In any event, unlike the indenture of 1 February 1548 and the recognizance of 26 February 1548, the fine of 10 February and 16 April 1548 was not declared void. Instead, the Act provided that the fine was deemed to be to the use of the 16<sup>th</sup> Earl and his heirs:

*And be it further enacted by the said authority that the said fine levied of the said honours, castles, manors, lands, tenements & hereditaments mentioned & comprised in the same fine shall be adjudged, deemed, accepted, reputed & taken to be from the time of the same fine levied to the use of the said now Earl for term of his life without impeachment of waste, & after his decease to the use of the eldest issue male of the body of the same now Earl lawfully begotten & of the heirs males of the body of that issue male begotten, and for default of such issue to the use of the right heirs of the said now Earl forever, and to none other use, uses or intents.*

Almost all the lands and offices of the Oxford earldom had descended in former times from male heir to male heir by ‘ancient entails’ (see TNA C 54/626 and TNA PROB 11/17, ff. 82-90). These ‘ancient entails’ had been cut off by the fine of 10 February and 16 April 1548 which Somerset had extorted from the 16<sup>th</sup> Earl, and the lands which the 16<sup>th</sup> Earl had originally inherited under them were now held by him subject to the terms of the Act of Parliament.

As noted above, the Act deemed the fine to be to the 16<sup>th</sup> Earl’s use. The use was a legal instrument which had been devised to create trusts. Although it could still be employed for that purpose, its effectiveness had been sharply curtailed by the Statute of Uses in 1536. As Hurstfield indicates, Henry VIII’s purpose in enacting the Statute of Uses was ‘simple enough’:

*Henry VIII wanted to destroy the innumerable trusts which were being fabricated for no other reason than to deprive him of his feudal profits. These profits . . . were mainly inheritance taxes. They could therefore only arise when the tenant died and left behind him an heir to take over the lands. Clearly, then, if the tenant did not die the profits could not arise. . . . Yet, if the tenant could not hope for immortality, there was available a device to create the illusion of immortality. In short, if he transferred his land to a corporation of people – executed a use as it was called – and if this corporation could perpetuate its life by replacing dead members, then the inheritance dues might never fall to the king. For the corporate heir never died. Since also the trust undertook to give back the full enjoyment of the land to the tenant, and his heirs and successors, then they had all the benefits of landholding without the feudal dues which kept it company. Hurstfield, Joel, *The Queen’s Wards* (London: Frank Cass, 1973), pp. 12-13.*

*Black's Law Dictionary* describes the effect of the Statute of Uses as follows:

*Statute of Uses. An English statute enacted in 1536, (27 Hen. VIII, c. 10), directed against the practice of creating uses in lands, and which converted the purely equitable title of persons entitled to a use into a legal title or absolute ownership with right of possession. The statute is said to "execute the use," that is, it abolishes the intervening estate of the feoffee to uses, and makes the beneficial interest of the cestui que use an absolute legal title. (p. 1711)*

It may be that the clause in the private Act of Parliament of 22 or 23 January 1552 which deemed the fine of 10 February and 16 April 1548 to be to the use of the 16<sup>th</sup> Earl and his heirs was predicated on the assumption that the Statute of Uses would automatically execute the use, i.e., that the Statute of Uses would operate to turn the 16<sup>th</sup> Earl's 'purely equitable title' into 'a legal title or absolute ownership with right of possession'. If so, that fact is not made clear in the Act or in any of the other legal documents which refer to the Act. One of the few documents which consider the manner in which the 16<sup>th</sup> Earl held his lands after the passage of the Act is the 16<sup>th</sup> Earl's inquisition post mortem (see TNA C 142/136/12), which speaks of 'the uses in possession transmuted', but without explicating the meaning of the phrase, and which then goes on to describe the manner in which the 16<sup>th</sup> Earl was seised of his lands by merely repeating the words of the Act:

*And further on the same 23<sup>rd</sup> day of January by authority of the foresaid Parliament it was provided, enacted & established that the foresaid fine from the time of the levying of the same be adjudicated, accounted and reputed to the use of the said late Earl for term of his life without impeachment of any waste, and after his decease to the use of his eldest issue male of the body of the same late Earl lawfully begotten and of the heirs males of the body of the same issue male lawfully begotten, and for lack of such issue to the use of the right heirs of the said late Earl forever, by virtue and force of which certain Act of Parliament of the uses in possession transmuted, the same late Earl after the making of the said Act was seised of and in all the foresaid honours, castles, manors, lands, tenements and other the premises with the appurtenances in the foresaid fine specified with several remainders further in manner and form as in the foresaid Act of Parliament are contained, viz., to the foresaid late Earl for term of his life without impeachment of any waste, and after his decease, remainder thereof to his eldest issue male lawfully begotten and to the heirs males of the body of the same issue male lawfully issuing, remainder thereof for lack of such issue to the right heirs of the said late Earl forever.*

The framers of the Act were clearly aware that the fine had affected the rights of third parties, and perhaps the tenures by which the 16<sup>th</sup> Earl held his lands and the tenures by which others held from him. The clause deeming the lands comprised in the fine to be to the use of the 16<sup>th</sup> Earl did not remedy these legal problems. The framers of the Act therefore included a saving clause in the Act which preserved to third parties all such rights as they had enjoyed prior to the making of the Act, as well as a saving clause which provided that the King would exercise his usual rights. The latter clause reads:

---

*Provided always and be it enacted by the authority aforesaid that the King our Sovereign Lord, his heirs & successors, and all & every other person & persons of whom the premises or any parcel thereof be holden by any rent or service, shall have & enjoy all & singular such rents, tenths, tenures, seigniories & services, wardships, liveries & primer seisins of, in, out & to the premises & every parcel thereof as our said Sovereign Lord the King, his heirs & successors, and the said other person & persons & their heirs & every of them ought, might or should have had as if the said now Earl were thereof seised in fee simple and should die of the third part thereof seised in fee simple.*

The words ‘as if the said now Earl were thereof seised in fee simple and should die of the third part thereof seised in fee simple’ refer to ‘The bill concerning the explanation of wills’ passed in 1542-3 (34-5 Henry VIII c.5) which defines the words ‘estate of inheritance’ under the Statute of Wills of 1540:

*Which words of estate of inheritance, by the authority of this present parliament, is and shall be declared, expounded, taken and judged of estates in fee-simple only.*

The words ‘as if the said now Earl were thereof seised in fee simple and should die of the third part thereof seised in fee simple’ in this clause in the private Act of Parliament of 22 or 23 January 1552 thus indicate that the clear purpose of the clause was the preservation of the Crown’s right under the Statute of Wills to one-third of the lands of any tenant in chief who died holding from the Crown by knight service and to the wardship of his heir.

It should be noted, however, that the foregoing saving clause in the private Act of Parliament of 22 or 23 January 1552 did not in and of itself permit Queen Elizabeth to exercise wardship rights over the person and lands of the 16<sup>th</sup> Earl’s son and heir. As stated in the clause itself, it was a precondition to the King’s enjoyment of any ‘rents, tenths, tenures, seigniories & services, wardships, liveries & primer seisins’ that lands comprised in the fine, and therefore covered by the Act, must be held from the King by some ‘rent or service’. Accordingly, before the foregoing clause would become operative to preserve Queen Elizabeth’s right to Oxford’s wardship., it was necessary to first establish that at least one parcel of land comprised in the fine, and therefore covered by the Act, had been held by the 16<sup>th</sup> Earl at his death as tenant in chief from the Crown by knight service.

When the 16<sup>th</sup> Earl died on 3 August 1562, his heir, Edward de Vere, did indeed become the Queen’s ward. However in connection with the saving clause just discussed, it is noteworthy that in his judgment in a case brought by the Queen against Oxford after his mother’s death for the revenues from the lands which had comprised her jointure, Sir James Dyer found that Oxford had taken the lands in question under the private Act of Parliament of 22 or 23 January 1552 as a ‘purchaser’ and not by descent. This finding perhaps raises the issue of whether the lands comprising Margery Golding’s jointure should have been in wardship at all. Legal scholars at the end of the fifteenth century, when considering the royal prerogative as it related to wardship, ‘make it clear that the prerogative applied to land which passed by descent, but only when land passed by direct descent from the tenant-in chief to his heir’ and that ‘The king will only have his

prerogative in lands which pass through the tenant in chief to the heir of the lands held in chief" (see McGlynn, Margaret, *The Royal Prerogative and the Learning of the Inns of Court* (Cambridge University Press, 2003), pp. 89-90). The legal point is an obscure one, but Sir James Dyer's finding that at least some of the lands comprised in the fine and covered in the Act passed to Oxford as purchaser and not by descent suggests that it is at least possible that the fine had cut off the tenures by which the 16<sup>th</sup> Earl held the lands comprised in the fine, with the result that none of the lands comprised in the fine and covered by the Act were held by the 16<sup>th</sup> Earl from the Crown as a tenant in chief by knight service at his death. If so, nothing in the Act would have been relevant to the issue of Oxford's wardship, and it is therefore not surprising that the Queen's licence to Oxford to enter on his lands dated 30 May 1572 (see TNA C 66/1090) makes no mention of the saving clause in the Act which preserved the Crown's right to wardship. Rather, the licence states that the basis of the Queen's claim to Oxford's wardship was that his father, the 16<sup>th</sup> Earl, had held lands from the Queen in chief by knight service ('which certain John, late Earl of Oxenford, held of us in chief by knight service on the day on which he died'). Although the particular lands held by the 16<sup>th</sup> Earl as tenant in chief by knight service are not specified in the licence, this wording suggests that in the end the Queen grounded her claim to Oxford's wardship, not on the saving clause in the private Act of Parliament of 22 or 23 January 1552, but on the grant of Colne Priory to John de Vere (1482-1540), 15<sup>th</sup> Earl of Oxford, and his heirs by King Henry VIII's letters patent dated 22 July 1536 (see ERO D/DPr/631). The lands (principally Colne Priory) granted by Henry VIII to the 15<sup>th</sup> Earl and his heirs were not included in the fine of 10 February and 16 April 1548 which Somerset extorted from the 16<sup>th</sup> Earl. In consequence, the lands comprising Henry VIII's grant of Colne Priory to the 15<sup>th</sup> Earl were not covered by the private Act of Parliament of 22 or 23 January 1552, and the 16<sup>th</sup> Earl held them from the Crown at his death, presumably as tenant in chief by knight service.

Other clauses in the private Act of Parliament of 22 or 23 January 1552 authorized the 16<sup>th</sup> Earl to assign specified lands to his second wife, Margery (nee Golding) as her jointure in his will, to alienate the manors of Aldon, Bromfield, Munslow, Norton in Hales, Lamport, Crudwell, Eastcourt and the tenement of Paynes in Pentlow, to make short-term leases of his lands provided that the rent was equal to previous rent for the same properties, and to assign specified lands in his will to his executors for a term of 20 years for payment of his debts, his legacies, and his daughter Katherine's marriage portion of £1000. Further clauses in the Act preserved life estates in specified lands for two of the 16<sup>th</sup> Earl's brothers, Aubrey and Geoffrey. A final saving clause permitted the 16<sup>th</sup> Earl's brother-in-law, Sir Thomas Darcy (1506-1558), and the 16<sup>th</sup> Earl's counsellor, John Lucas (d.1556), to continue to hold leases of the 16<sup>th</sup> Earl's lands, despite their having participated in Somerset's extortion against the 16<sup>th</sup> Earl.

The provisions of the Act necessarily exerted great influence on the structure of the 16<sup>th</sup> Earl's two subsequent wills of 21 December 1552 and 28 July 1562, his indenture of 2 June 1562, and the contract of 1 July 1562 by which he arranged for a marriage between his son and heir, Edward de Vere, and a sister of Henry Hastings (1536?-1595), 3<sup>rd</sup> Earl of Huntingdon. For these documents, see BL Stowe Charter 633-4, TNA PROB 11-46, ff. 174v-6, TNA C 54/626 and Huntington Library HAP o/s Box 3(19).

Another private Act of Parliament passed on 13 April 1552 (see HL/PO/PB/1/1551/5E6n37) repealed the private Act of Parliament of April 1540 (32 Henry VIII, c. 78) referred to in the Act below. As explained in the Act below, it was by virtue of the operation of the provisions of this private Act of Parliament of April 1540 that the 16<sup>th</sup> Earl's lands, unknown to him, had become entailed to Somerset and his heirs, thereby constituting, in the words of the Act below, 'a plain disherison of the said now Earl & of his heirs forever', and in the word of Sir James Dyer, a legal 'metamorphosis'.

Edward

Le Roy le veulte [=The King wills it]

Soit baille aux Segneurs auesque le proviso annex' [=Let it be sent to the Lords with the proviso annexed]

A ceste bille avec ung proviso annex' Les Seigneurs sont Assentuz [=To this bill with a proviso annexed the Lords have assented]

Where Edward, late Duke of Somerset, being Governor of the King our Sovereign Lord his most royal person, Protector of all his Majesty's realms, dominions & subjects, Captain-General of all his Highness' wars both by sea & by land, Earl Marshall of England & High Treasurer of the same, and thereby having the chief & most high office of administration of justice immediately under the King's Majesty of all his said realms, dominions & subjects, of his extreme avarice & greedy appetite during his said office, & abusing the same, did so compass and circumvent divers of the King's most loving & obedient subjects that he thereby did get from them much part of their manors, lands, tenements & hereditaments without any manner of just consideration or cause reasonable, contrary to right, equity & good conscience and contrary to the trust, affiance & confidence which the King's Majesty our said most gracious Lord & his most honourable Council had reposed & put in him, amongst which the said Duke, during the time of his said office & under the colour of administration of justice, did convent before himself for certain supposed criminal causes John, Earl of Oxenford, one of the King's most loving subjects, who personally appeared before the said Duke, and then the said Duke so circumvented and coerced the said Earl of Oxenford to accomplish the desire of the said Duke (though it were unconscionable), and used such comminations & threats towards him in that behalf that he, the Earl, did seal & subscribe with his own hand one counterpane of one indenture devised by the said Duke & his counsel bearing date the first day of February in the second year [=1 February 1548] of our said Sovereign Lord the King his reign made between the said Duke on the one party and the said Earl on the other party;

By the which indenture the said Earl among other covenants & things did covenant & grant for him, his heirs & executors, to & with the said Duke & his executors that he, the same Earl, should before the feast of Pentecost [=20 May 1548] then next ensuing the date of the said indenture make or cause to be made unto the said Duke, Sir Michael Stanhope, knight, Sir Thomas Darcy, knight, now lord Darcy of Chiche, & John Lucas, esquire, & to their heirs, a good & perfect estate, assurance & conveyance in the law in fee simple of & in all & singular his honours, castles, manors, lands, tenements & hereditaments with their appurtenances set, lying or being anywhere within the realm of England, excepted certain manors, lands & tenements which were given by the late most noble prince of famous memory King Henry the Eight unto John, late Earl of Oxenford, deceased, father to the said John, now Earl, & to the heirs males of the body of the same Earl, the father, lawfully begotten, to have & to hold the said honours, castles, manors, lands, tenements & other the premises, except before excepted, unto the said Duke, Sir Michael Stanhope, Sir Thomas Darcy, & John Lucas & to their heirs & assigns forever to the uses & intents in the said indenture specified, mentioned & contained, as in & by the same indenture it doth appear, & for the true performance of all articles, agreements & covenants in the said indenture mentioned & specified, the said Duke likewise enforced & compelled the said now Earl by the ways & means abovesaid to be bounden unto the said Duke in the sum of six thousand pounds sterling in one recognizance for the recovery of debt by statute lately provided;

And to the intent the said now Earl should manifestly forfeit the said recognizance of six thousand pounds unto the said Duke whereby the same Duke might have the body of the said Earl & all that he had in execution at his pleasure, he moved & procured the said now Earl to levy a fine of all the said honours, castles & other the premises, except before excepted, unto the said Duke, Sir Michael Stanhope, Sir Thomas Darcy, & John Lucas & to the heirs of the said Duke, which was all the estate & other assurance & conveyance in the law that the said Duke would have the said now Earl to make or cause to be made of & in the premises, except before excepted, to the uses & intents in the said indenture specified & contained, which was nothing agreeable with the said covenants contained & specified in the said indenture, but was mere contrary to the same;

And where furthermore in the Parliament by & upon prorogation holden at Westminster in the two & thirty year [=1540/1] of the reign of the said late most noble prince of famous memory King Henry the Eight, father unto our said Sovereign Lord the King that now is, it was amongst other things enacted that all manors, lands, tenements & hereditaments with their appurtenances which after the same Act should happen to come to Edward, then Earl of Hertford, & to his heirs in fee simple in possession, reversion or remainder by descent, gift, purchase or otherwise should by virtue of that Act be deemed & judged in & to the said Earl of Hertford & his heirs males lawfully begotten upon the body of the Lady Anne, then his wife, or any other such his wife or wives which the said then Earl of Hertford should after the said Act marry, the remainder thereof over for lack of such issue to such persons & to their heirs in such several estates & in such manner & form as been more at large by the said Act in the said Parliament in the said 32<sup>nd</sup> year limited & declared, as in & by the same Act more plainly it doth & may appear, which

said Edward, late Duke of Somerset, & the said Edward, late Earl of Hertford, named in the said Act, were & be one person and not divers persons;

And forasmuch as the said compasses, circumventions, coercions, enforcements, comminations & threatenings made & practised by the said Duke unto the said now Earl of Oxenford are certainly known to the King his most honourable Council, and the same unto them do manifestly appear to be true in manner & form abovesaid, and much more than is here necessary or convenient to be written or remembered, and the same likewise by them is revealed to our said Sovereign Lord the King;

And forasmuch also as the said Duke, who could not be miscognisant of the said Act by himself before procured, did right well know that the said fine levied in manner & form as is abovesaid of the honours, castles, manors, lands, tenements & hereditaments mentioned in the same fine should by virtue & authority of the said Act be a plain disherison of the said now Earl & of his heirs forever, and that thereby the said Duke most unconscionably & unjustly should gain unto himself & to his heirs in tail according to the said Act all & singular the said honours, castles, manors & other the premises, except before excepted, which was such a detestable deceit by him wrought as most justly requireth redress & reformation by authority of Parliament;

And forasmuch also as the said now Earl never had nor received by any way or means any sums of money or other good considerations or recompense wherefore he should or might reasonably be occasioned to enter into such covenants as in the said indenture is declared;

The King his most excellent Highness for the great zeal which he beareth & intendeth unto the true & perfect execution & administration of justice committed unto his Highness' charge from Almighty God, not willing to permit or suffer the said now Earl or any other his loving subjects to be undone or disherited by any such wresting, circumvention, compassing, coercion, enforcement, fraud or deceit as the said Duke hath committed, practised & done unto the said now Earl in manner & form as is above remembered, is therefore pleased & contented that it be enacted by his Majesty with the assent of the Lords Spiritual & Temporal and the Commons in this present Parliament assembled, and by authority of the same, that the said indenture bearing date the first day of February in the said second year of our said Sovereign Lord the King his reign, and the said recognizance of the said sum of six thousand pounds, and also every covenant, branch, sentence, word & article in the said indenture & recognizance and in every of them or in any of them, and every grant, covenant, use, estate, possession, term & interest had, made, altered, changed, grown or conveyed, mentioned or declared, of & in the premises or any parcel thereof, or that hereafter ought, shall or may be made, grown, had, altered, changed or conveyed of the premises or any parcel thereof in or by reason of the said indenture or anything therein contained shall be of no force or effect in the law, but shall stand, remain & be annihilate, frustrate & void to all intents, constructions & purposes as if the said indenture & recognizance & every of them had never been had or made;

And be it further enacted by the said authority that the said Act of Parliament made in the said 32<sup>nd</sup> year of the reign of [+our] said late Sovereign Lord King Henry the Eight nor any branch, sentence, article or word comprised, mentioned, declared or contained in the same Act shall in any wise extend to any honours, castles, manors, lands, tenements or hereditaments named, mentioned, contained or comprised in the said fine & indenture or in any of them, nor to any part, parcel or member of them or any of them, but that the said Act made in the said 32<sup>nd</sup> year of the reign of our said late Sovereign Lord as touching or concerning only the said honours, castles, manors, lands, tenements & hereditaments & every of them & every part & parcel of them, & every of them comprised & mentioned in the said indenture & fine or any of them, shall be utterly void to all intents, constructions & purposes as if the said honours, castles, manors, lands, tenements & hereditaments & every parcel of them & every of them had been clearly & utterly excepted & forprised out of the said Act made in the said 32<sup>nd</sup> year of the reign of our said late Sovereign Lord King Henry the Eight;

And be it further enacted by the said authority that the said fine levied of the said honours, castles, manors, lands, tenements & hereditaments mentioned & comprised in the same fine shall be adjudged, deemed, accepted, reputed & taken to be from the time of the same fine levied to the use of the said now Earl for term of his life without impeachment of waste, & after his decease to the use of the eldest issue male of the body of the same now Earl lawfully begotten & of the heirs males of the body of that issue male begotten, and for default of such issue to the use of the right heirs of the said now Earl forever, and to none other use, uses or intents;

And be it further enacted by the said authority that the said now Earl during his life, & his said issue male & the heirs males of his body begotten & to be begotten, and after them then the right heirs of the said now Earl inheritable to the premises by this Act in manner & form abovesaid, shall have, hold, possede & enjoy the said honours, castles, manors, lands, tenements & hereditaments & every parcel thereof comprised & mentioned in the said fine & indenture or any of them, & be exonerate & discharged against our Sovereign Lord the King that now is, his heirs, successors & executors & every of them, and against the said late Duke & his heirs, and against all & every other person & persons named in the said indenture, fine & Act or any of them, and against all & every other person & persons, their heirs, executors & administrators, of all rights, titles, uses, escheats, wardships, possessions, terms & interests, actions, debts, duties, executions & demands whatsoever had, made, accrued or grown, or that shall be had or made or shall accrue or grow by reason or occasion of the said Act, indenture, fine, recognizance and the late attainder & death of the said late Duke, or by reason or occasion of divers & sundry of them, or any of them;

And be it further enacted by the authority aforesaid that Aubrey Vere, esquire, one of the brothers of the said now Earl, shall have & hold from the feast of Saint Michael th' Archangel last past for term of his life without any manner of condition, and after his decease the remainder thereof to the lawful wife of the said Aubrey overliving him for term of her life if the said Aubrey by his writing sealed with his seal & subscribed with his hand shall limit & appoint the same so to remain & go, the manors of Tendring Hall,

Earls Fee in Bowers Gifford, Battles Hall in Stapleford Abbotts, & Hayes in Stowe with th' appurtenances in the said county of Essex, and certain lands & tenements called Jackletts in Fambridge & Bacons in the said county of Essex of the inheritance of the said now Earl, the remainder thereof over to the said now Earl for term of his life without impeachment of waste, the remainder thereof over as the same should have gone by this Act if this present branch of this Act had never been had or made;

And that it be further enacted by the authority aforesaid that Geoffrey Vere, esquire, one other of the brothers of the said now Earl, shall have & hold from the feast of Saint Michael th' Archangel last past for term of his life without any manner of condition, and after his decease to his lawful wife overliving him for term of her life if the said now Earl shall limit & appoint the same so to remain & go, the manors of Crepping Hall & Gutteridge with th' appurtenances in the said county of Essex, the remainder thereof further unto the said now Earl for term of his life without impeachment of waste, the remainder thereof over as the same should have gone by this Act if this present branch of this Act had never been had or made;

Provided always and that it may be enacted by the authority aforesaid that the said now Earl by his last will & testament in writing sealed with his seal of arms & subscribed with his hand shall have full power & authority by virtue of this Act to assign, limit & appoint to his lawful wife overliving him for the term of her natural life to & for her jointure the manors, lands & tenements of Tilbury, Downham, Easton Hall, Netherhall in Gestingthorpe, Garnons in Tendring, & Brownes tenement in Toppesfield in the county of Essex or as many of them as shall please the said Earl to assign, and the manors of Easton Maudit, Thorpe Malford & Marston Trussell in the county of Northampton, & Bilton in the county of Warwick, or as many of them as it shall please the said Earl to assign to any such his wife, and that then after the decease of the said Earl & after the said limitation, assignment & appointment of the said jointure shall be made in writing sealed & subscribed as is aforesaid, the said lawful wife of the said now Earl overliving him shall & may have, hold & enjoy during her life all & every the aforesaid manors, lands & tenements comprised within this proviso or so many of them as shall be comprised in any such will in writing sealed & subscribed by the said now Earl as is aforesaid, and that the same jointure shall be a full recompense & satisfaction of all the jointure & dower that the said lawful wife of the said now Earl overliving him may or can challenge, claim or demand after the death of the said now Earl of, in or to any of the honours, castles, manors, lands, tenements or hereditaments of the said now Earl during the marriage between him & the same his lawful wife overliving him, the remainder thereof over in manner & form as the same should have gone by & in this Act before limited & appointed if this proviso had never been had or made;

Provided also and be it enacted by the authority aforesaid that the said now Earl shall have full power & authority at any time or times hereafter to alien from time to time entirely or by several alienations to such person or persons & to his or their heirs in fee simple, or unto such person or persons & to the heirs of his or their body or bodies lawfully begotten, or unto such persons for term of his or their life or lives as it shall please the said now Earl, the manors of Aldon, Bromfield, Munslow with the members &

Norton in Hales with th' appurtenances in the county of Salop, the manor of Lamport with th' appurtenances in the county of Northampton, & the manors of Crudwell & Eastcourt with th' appurtenances in the county of Wiltshire, & a certain tenement called Paynes in Pentlow in the county of Essex, or so many or so much of them & every of them as the said now Earl shall at any time hereafter please to alien or sell, and that the same person & persons to whom any such alienation shall be made of any the said manors, lands, tenements or hereditaments mentioned in this proviso or of so many of them as the said now Earl shall alien or sell in form as is abovesaid, that the same alienees or bargainees, their heirs & assigns & every of them, shall have & enjoy the same manors, lands, tenements & hereditaments with th' appurtenances so aliened or bargained & sold by the said now Earl of Oxenford in such sort & after such manner & form as in the record or records, writing or writings, of any the same alienations or alienation thereof or bargain & sale shall be mentioned, comprised or declared;

Provided further and that it be enacted by the authority aforesaid that all & every lease & leases, grant & grants, of the said manors, lands, tenements & other the premises or any of them or of any part thereof for term of three lives or under according to the custom of the manor, or for term of 21 years or under, that shall begin to take effect and whereby the lessee or lessees, grantee or grantees, thereof may lawfully enter within one year next after the making of any such lease or grant, and whereupon during every such lease or grant so much yearly farm or rent or more shall be reserved yearly to be paid as hath been most accustomedly yelden & paid for the same manors, lands & tenements that so shall be letten within twenty years next before any such lease or grant thereof to be made, & [+which] shall be made & granted by the said now Earl in writing indented sealed with his usual seal of arms & subscribed with his own hand, other than of such manors, lands & tenements as in this present Act are before appointed to the brothers of the said now Earl as is abovesaid, shall be good & effectual in the law to all intents, constructions & purposes during the time & times contained in every such writing indented sealed & subscribed as is aforesaid;

And be it further enacted by [+the] authority aforesaid that the said now Earl, as well for the payment of such of his debts & duties as shall be due or owing by him to any person or persons at the time of his decease, and for & toward the preferment in marriage & otherwise of the Lady Katherine, his daughter, & other of the children of the said now Earl which he shall hereafter fortune lawfully to have & beget, as for & toward the preferment of such servants & friends of the said now Earl to whom he shall make bequests or legacies in & by his last will & testament, shall have full power & authority in & by the same his last will & testament, sealed & subscribed with his said seal & hand of the said now Earl, to will, bequeath, assign & appoint the manors of Tattingstone & Aldham with their appurtenances in the county of Suffolk, and all & singular the messuages, lands, tenements & hereditaments of the said now Earl in Tattingstone, Aldham & Hadleigh in the said county of Suffolk, and the manor of Weybourn in the county of Norfolk, and all & singular the messuages, lands, tenements & hereditaments of the said now Earl in Weybourn or elsewhere in the said county of Norfolk, and the manors of Wivenhoe, Newers, Battleswick, Much Canfield, Much Bentley, Doddinghurst, Lamarsh & Wakes Colne with their appurtenances in the said county of

Essex, and all & singular the messuages, lands, tenements & hereditaments of the said now Earl in Wivenhoe, Newers, Battleswick, Alresford, Greenstead, East Donyland, Much Canfield, Little Canfield, High Roding, Hatfield Regis, Much Bentley, Thorrington, Little Bentley, Frating, Doddinghurst, Shenfield, Lamarsh, Much Henny, Alphamstone & Wakes Colne of the said now Earl in the said county of Essex, to the executors of the said now Earl to be named in such his last will & testament, to hold to them, their executors & assigns, immediately from & after the decease of the said now Earl unto the end & term of twenty years from thence next following & fully to be completed, to the intent that the said executors of the said now Earl, their executors & assigns, shall have & receive the yearly rents, revenues & profits thereof coming & growing within the said twenty years toward the payment & satisfaction of the legacies of the said now Earl comprised in his said last will & testament, & of such debts & duties as shall be owing by him the time of his decease, & toward the payments & satisfaction of so much of the same legacies & debts as the same yearly profits & revenues will & shall amount unto during the said term of twenty years, and after the said term of twenty years next following after the decease of the said now Earl shall be expired & ended, that then all & singular the said manors, lands, tenements & other the premises in this article before rehearsed shall remain & go as the same should have gone by this Act in manner & form as in this present Act is before limited & expressed;

Saving to all & every person & persons, bodies politic & corporate, to their heirs, successors, executors & assigns & every of them, & to the heirs, successors, executors & assigns of every of them other than the King's Highness, his heirs, successors & executors, & other than the said late Duke of Somerset, Sir Thomas Darcy, Lord Darcy of Chiche, Sir Michael Stanhope, John Lucas, Lord Henry, son to the said late Duke, Lady Katherine, daughter of the said now Earl, the sons of the said late Duke & every of them, & their heirs & the heirs of their bodies and the heirs of every of them and the heirs of the body of any & every of them, & other than such person & persons as be named or mentioned in the said Act made in the said 32<sup>nd</sup> year of the reign of King Henry the Eight & their heirs & the heirs of every of them and the heirs of the bodies of any of them & of every of them, & other than their executors & administrators and the executors & administrators of every of them, and other than such person & persons & their heirs & successors and the heirs & successors of every of them of whom the premises or any part thereof is holden by any rent or service, & other than the said Aubrey Vere & Geoffrey Vere during their lives & the life of every of them, all such estate, possession, interests, right, title, use, claim, challenge & demand as they or any of them have, ought or might or should have had of, in or unto the said honours, manors, lands, tenements & other the premises or any part or parcel thereof at any time before the making of this Act and as if this Act had never been had or made;

Provided always and be it enacted by the authority aforesaid that the King our Sovereign Lord, his heirs & successors, and all & every other person & persons of whom the premises or any parcel thereof be holden by any rent or service, shall have & enjoy all & singular such rents, tenths, tenures, seigniories & services, wardships, liveries & primer seisins of, in, out & to the premises & every parcel thereof as our said Sovereign Lord the King, his heirs & successors, and the said other person & persons & their heirs & every

of them ought, might or should have had as if the said now Earl were thereof seised in fee simple and should die of the third part thereof seised in fee simple;

Provided furthermore, and that it may be enacted by the authority aforesaid, that the said Sir Thomas Darcy, knight, Lord Darcy of Chiche, & John Lucas, & every of them, their heirs, executors, administrators & assigns and the heirs, executors, administrators & assigns of every of them, shall have, hold & enjoy all & singular such leases & grants for term of years and also all & singular rents, services, offices, fees & annuities, the custody, keeping & herbage of any park or parks of, in or out of the said honours, manors, lands, tenements & other the premises or any of them or any part or parcel of any of them as they or any of them had, ought or might lawfully have had or enjoyed before the said indentures, fine & this present Act or any of them were had or made, and in such manner & form as if the said Act of the 32<sup>nd</sup> year of the reign of King Henry the Eight, the said indenture & fine & this present Act or anything in any of them contained to the contrary thereof had never been had or made.

Edward Griffin

Provided also & be it enacted by the authority aforesaid that if the said Lady Katherine, daughter of the said now Earl, shall affy herself & shall be married by the advice & counsel of the said now Earl, her father, in his lifetime, and if she shall fortune not to be married by the advice & counsel of the said now Earl in his lifetime, if then the said Lady Katherine shall fortune to marry herself by the advice & counsel of the executors that the said now Earl shall make & constitute in & by his last will & testament or of the more part of them, that then the said Lady Katherine, her executors or administrators, shall have & perceive by authority of this Act to her own use towards her advancement in her marriage the sum of one thousand pounds to be perceived, levied & taken as the same will rise or grow of the issues & profits of the manors, lands & tenements above-mentioned whereof the said now Earl by this Act may make & declare his last will & testament in manner & form abovesaid, and for non-payment thereof it shall be leeful to the said Lady Katherine, her assigns & executors, to distrain in the same manors, lands & tenements and in every parcel thereof.