

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 3 and 7 November 1597 and proved 13 December 1597, of John Drawater, who defrauded Oxford of his manor of Inglesthorpe, which had formed part of King Henry VIII's grant of Colne Priory to John de Vere (1482-1540), 15th Earl of Oxford. For the original grant, dated 22 July 1536, see TNA C 66/668, mm. 26-7. For the deposition by Thomas Hampton in Easter term 1594 in Oxford's lawsuit against Roger Harlakenden (d.1603) for fraud in the sale of Colne Priory, in which Hampton states that he appointed Drawater and Harlakenden to obtain the grant of the Queen's reversionary interest in Colne Priory, see TNA C 24/239/46. For other interrogatories in that case in which it was suggested that Harlakenden conveyed the manor of Inglesthorpe to Drawater as compensation for Drawater's participation in the fraudulent sale of Colne Priory, see TNA C 24/239 and TNA C 24/275, piece 77. For the partial judgment in Chancery on 10 February 1599 stating that 'Felton and Drawater', two of Oxford's servants, 'confederated' with Roger Harlakenden (d.1603) in the sale of Colne Priory in order to 'persuade Oxford that the lands were no more worth than Harlakenden offered', see TNA C 78/104/17. For Drawater's earlier involvement in 1591 with legal matters involving Oxford's grant to Israel Amyce of the profits of Oxford's office of Lord Great Chamberlain, see TNA C 142/286/165. Since Drawater died before judgment was rendered in Oxford's lawsuit concerning the fraudulent sale of Colne Priory, it seems likely that even had Oxford attempted to recover against him, he would not have been able to, particularly since Drawater directed his executors to sell the manor of Inglesthorpe immediately after his death and to distribute the proceeds to various relatives.

RM: Testamentum Iohannis Drawater

In the name of God, Amen. The third day of November one thousand five hundred ninety-seven in the nine & thirtieth year of the reign of our Sovereign Lady Elizabeth by the grace of God Queen of England, France and Ireland, Defender of the Faith etc., I, John Drawater of Stanborne in the county of Essex, gentleman, being weak in body but of sound and perfect memory (praise be to Almighty God) do make & ordain this my last will and testament in manner and form following, that is to say:

First and principally above all things I bequeath and commend my soul into the hands of my most merciful Father and my Redeemer, Jesus Christ, through whose merits and mediation I assuredly hope to be saved and to be made an inheritor of the kingdom of heaven;

Secondly, I will my body to be buried in Christian burial when it shall please God to call me out of this life;

And as touching all my worldly goods, lands, hereditaments, cattles, chattels, household stuff & things whatsoever, I do will, devise and bequeath them in manner and form following, that is to say:

First, my express will and meaning is that all that my manor and farm of Inglethorpe alias Inglesthorpe in the parish of White Colne in the county of Essex with all rights, profits and appurtenances whatsoever thereunto belonging and all my estate, interest, right, claim and demand of, in and to the same shall with all convenient speed after my decease be fully and absolutely bargained and sold to the most advantage, and I do hereby will, entreat, appoint and authorize my loving friends Robert Plumbe the elder of Nether Yeldham, William Harrington of Maplestead, John Choett of Stanborne and Richard Choett of Bumpstead, all in the county of Essex, yeomen, or any three or two of them, to bargain, sell, convey and assure the same to any person or persons for such sums of money as best they can;

Yet nevertheless my true intent, will and meaning is that for and in consideration of much kindness to me showed in my lifetime by Mr Steven Soame, citizen and alderman of London, the said Robert Plumbe the elder, William Harrington, John Choet and Richard Choett or any three or two of them shall and may bargain, sell and devise the foresaid manor and farm of Inglethorpe aforesaid with the appurtenances and all my estate, right, claim & demand of, in and to the same unto the foresaid Mr Steven Soame and to his heirs forever before and rather than to any other at such rate & price as between them shall be agreed upon, and that the said Mr Soame shall buy the same twenty pounds cheaper than any other will give for the premises (if he shall accept thereof);

Item, I will, devise and ordain that all such money as shall arise, come or grow payable for or by reason of the sale of the said manor and farm of Inglethorpe aforesaid or of any part or parcel thereof shall be [-and be] paid, distributed and divided to and for the several uses and purposes hereafter mentioned by the foresaid Robert Plumbe, William Harrington, John Choett and Richard Choet or by any three or two of them;

And first I will and ordain that all such debts and sums as I do owe to any person or persons shall be discharged and satisfied by the said persons last before nominated out of the money which they shall receive for the sale of my foresaid land with all convenient speed;

Item, I give and bequeath unto my sister, Joan Dison, widow, twenty pounds to be paid her by forty shillings every year, the first payment thereof to begin immediately after the sale of the said farm of Inglethorpe, and in the meantime I will that she shall have her diet and lodging with my wife within my now dwelling farm in Stanborne aforesaid;

Item, I give and bequeath unto her children and to her children's children twenty pounds to be equally divided amongst them;

Item, I give and bequeath unto my sister, Margaret Lucas, widow, ten pounds, and to her son, John Lucas, other ten pounds;

Item, I give and bequeath unto Marie Lucas and Eve Lucas, daughters of my sister Margaret, five pounds apiece;

And to all the rest of her children ten pounds to be equally divided amongst them;

Item, I give and bequeath unto Marie, wife of Richard Atkinson, twenty shillings;

Item, I give and bequeath unto my brother, Dennis Drawater, ten pounds, and to his son, John, ten pounds, and amongst all the rest of his children twenty marks sterling to be equally divided amongst them;

Item, I do release and discharge unto my said brother, Dennis Drawater, all such sums of money, bonds, bills, accounts, debts and demands whatsoever as he standeth bound to me in or doth owe to me by any way or means howsoever;

Item, I give and bequeath unto Seeth Drawater, my eldest brother's son, ten pounds, & to Jonas, his brother, six pounds thirteen shillings and four pence, and I give unto Suzanne, sister of the said Jonas, six pounds thirteen shillings and four pence;

Item, I will and bequeath unto my brother, Anthony Drawater, five pounds;

Item, I will and bequeath unto his son, Oliver Drawater, fifty pounds;

Item, I give and bequeath unto Anne, daughter of my said brother Anthony, six pounds and thirteen shillings and four pence;

Item, I give amongst all the rest of the children of my said brother, Anthony (except his son, John) twenty pounds to be equally divided amongst them;

Item, I give unto the said Oliver Drawater all my books and black apparel and a ship chest to put them in;

Item I give and bequeath unto Richard Choet, my wife's father, ten pounds and one russet cloak;

Item, I give unto John, my wife's brother, all the rest of my apparel not black, and six pounds thirteen shillings and four pence in money;

Item, I bequeath unto all the rest of my wife's brethren forty shillings apiece;

Item, I give and bequeath unto the poor people of Stanborne four pounds to be paid amongst them by twenty shillings every year;

Item, I give and bequeath unto the poor people of Islip in the county of Northampton where I was born five pounds to be distributed amongst them;

Item, I give and bequeath unto Zachary Jackson, scrivener, the writer hereof, for his pains about my affairs and for writing this will forty shillings to be paid him immediately after the sale of my said lands;

Item, I give and bequeath unto Joan, my wife all those my leases of my farms and lands being in the parishes of Stanborne and Finchfield [=Finchingfield] or either of them with all my stock of cattle, corn and implements of household, conditionally that if it shall please God the said Joan to marry again after my decease, that then she shall marry with the consent and to the good liking of the said Richard Choet, her father; otherwise if she shall marry without his consent, my will and meaning is that she shall be utterly excluded and debarred of and from this bequest and from all right, portion, claim and demand in and to my said lands, goods or chattels, and shall rest herself only contented with the sum of one hundred pounds which I will shall be paid her by the aforementioned Oliver Drawater, and my meaning and will is that the said Oliver shall demand, have and enjoy all such part, portion & share as is before expressed to be given and bequeathed unto the said Joan, my wife, anything abovesaid to the contrary notwithstanding;

Item, I give & bequeath unto the said Oliver Drawater, after my debts and legacies paid and my funeral charges satisfied, all the overplus and remainder of such money as then shall remain upon the sale of my said land and farm of Inglesthorpe, and my will and meaning is that the said Robert Plumb the elder, William Harrington, John Choett and Richard Coett, whom I have appointed to sell my said farm and land, shall with the money thereof proceeding pay & discharge all my debts, legacies and funeral charges, and that every one of them shall have for his pains five pounds;

Item, I do ordain and appoint executors of this my last will & testament Richard Choett of Bumpstead aforesaid, Oliver Drawater aforesaid, & Thomas Paynell of Stanborne aforesaid, clerk, revoking all former wills heretofore by me made, and I give unto every one of my said executors forty shilling[s] apiece for a remembrance;

In witness whereof I have hereunto set my hand & seal the seventh day of November one thousand five hundred ninety-seven above-written. John Drawater. Subscribed, sealed and delivered by the within-named John Drawater as his last will and testament in the presence of us, Zachary Jackson, scrivener, Richard Balthorpe, John Wilson, William Lapidge.

Probatum fuit Testamentum suprascriptum apud London coram venerabili viro Magistro Willielmo Lewin legum Doctore Curie Prerogatiue Cantuariensis Magistro Custode siue Commissario legitime constituto Decimo tertio die mensis Decembris Anno Domini Millesimo Quingentesimo Nonagesimo Septimo Iuramentis Richardi Choett et Olivieri Drawater personaliter presentium et Thome Browne notarij publici procuratoris Thome Paynell Executorum in huiusmodi testamento nominatorum Quibus commissa fuit administratio bonorum Iurium et creditorum dicti defuncti De bene et fideliter administrando &c Ad sancta Dei Evangelia Iuratorum Examinatus

[=The above-written testament was proved at London before the worshipful Master William Lewin, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the thirteenth day of the month of December in the year of the Lord the thousand five hundred ninety-seventh by the oaths of Richard Choett and Oliver Drawater, personally present, and Thomas Browne, notary public, proctor of Thomas Paynell, executors named in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer etc. Examined]

LM: xixio Iunij 1604 dictus Thomas renunciauit oneri executionis testamenti huiusmodi

[=On the 19th of June 1604 the said Thomas renounced the burden of the execution of the same testament.]